

Burden of Proof Statement
Master Planned Development
Pahlisch Homes – River Vale

Applicant: Pahlisch Homes
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Greg Blackmore, Principal Planner
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Bend, OR 97702

Location: The subject property is located on the east side of the Deschutes River, west of the River Rim Planned Unit Development (PUD). The property has an address of 19462 Pine Drive and is identified as Tax Lot 1300 and a portion of 1400 on Deschutes County Assessor's Map 18-11-13C.

Request: Master Planned Development review of a 78-lot residential development. The Master Planned Development area includes lots for detached single-family homes, Areas of Special Interest (ASI), Open Space and Trails.

I. Applicable Criteria, Standards, and Procedures:

Approval Criteria:

City of Bend Development Code

- Chapter 4.5; Master Planning and Development Alternatives
- Chapter 4.6: Land Use District Map and Text Amendments

Development Standards:

City of Bend Development Code

- Chapter 2.1; Residential District
- Chapter 2.7 Special Planned Districts
- Chapter 3.1; Access, Circulation and Lot Design
- Chapter 3.2; Landscaping, Street Trees, Fences and Walls
- Chapter 3.4; Public Improvement Standards
- Chapter 3.5.400; Solar Standards
- Chapter 4.7: Transportation Analysis

Procedures:

City of Bend Development Code

- Chapter 4.1; Land Use Review and Procedures

This proposal consists of both a post-acknowledgment plan text and map amendment (the master plan) and a limited land use decision as defined in ORS 197.015(12) (the tentative subdivision approval). The master plan approval is added to the City's acknowledged maps and land use regulations. The tentative subdivision application implements and conforms to the Master Plan and provides the basis for approval of the final plats.

Both types of applications are quasi-judicial applications. The post-acknowledgment amendments are subject to applicable Statewide Planning Goals (the "Goals"), applicable Oregon Administrative Rules and applicable City Plan and land use regulation provisions. The City will apply only those standards in effect on the date of submittal to the applications.

The limited land use application is subject to acknowledged land use regulations. The applicant has chosen to process the tentative subdivision application as a limited land use application and not as an expedited land division under ORS 197.365. The City will apply only those standards in effect on the date of submittal to the applications.

The associated tentative subdivision application allows development of buildable lands identified on the City's buildable lands inventory. The tentative subdivision application provides for housing at certain price points for owners. The application is subject to the Needed Housing statutes in ORS 197.303(1) and 197.307(3) and (4). The applicant reserves the right to apply only clear and objective standards, conditions and procedures to the tentative land division application.

II. General Facts:

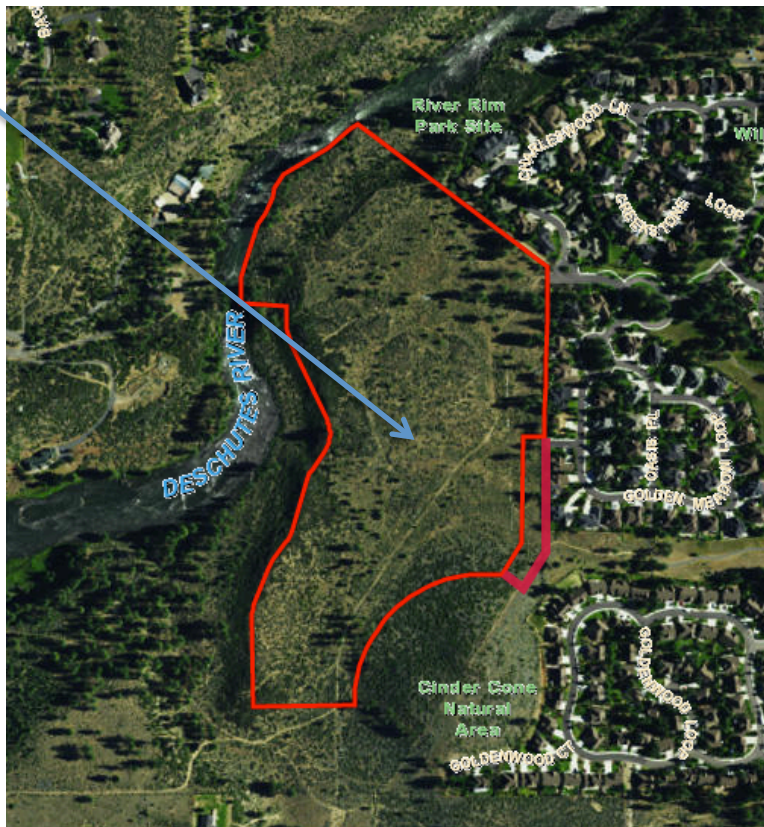
1. LOCATION: The subject property is located on the east side of the Deschutes River, west of the River Rim Planned Unit Development (PUD). The property has an address of 19462 Pine Drive and is identified as Tax Lot 1300 and a portion of 1400 on Deschutes County Assessor's Map 18-11-13C.

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Subject Property



2. EXISTING ZONING AND GENERAL PLAN DESIGNATIONS: The subject property is zoned Residential Urban Low Density (RL) and is designated Residential Urban Standard Density (RS) on the Bend Urban Area General Plan Map. The southern portion of the property is located within Upland Area of Special Interest (ASI) and a western portion of the property is located within the Deschutes River Corridor Area of Special Interest (ASI).

3. SITE DESCRIPTION & SURROUNDING USES: The project area is 37 acres in size and situated between the Deschutes River to the west and the River Rim PUD to the east and north. The northern area (839 feet) of the western property line directly abuts the Deschutes River, while southern 1,581 feet of western property line is separated by from the river by the property to the west, at a distance ranging between 150 to 700 feet.

The site and surrounding area slopes upward from the river to a band of rimrock. The rimrock defines the western property boundary in the southern area of the property and transects the northern portion (river fronting) portion of the property, at a distance of approximately 200-350 feet from the river. Vegetation on the lower bench (between the river and the rimrock) includes a variety of riparian vegetation, grasses, and brush. The subject property is generally a geologic bench that is situated approximately 30-60 feet

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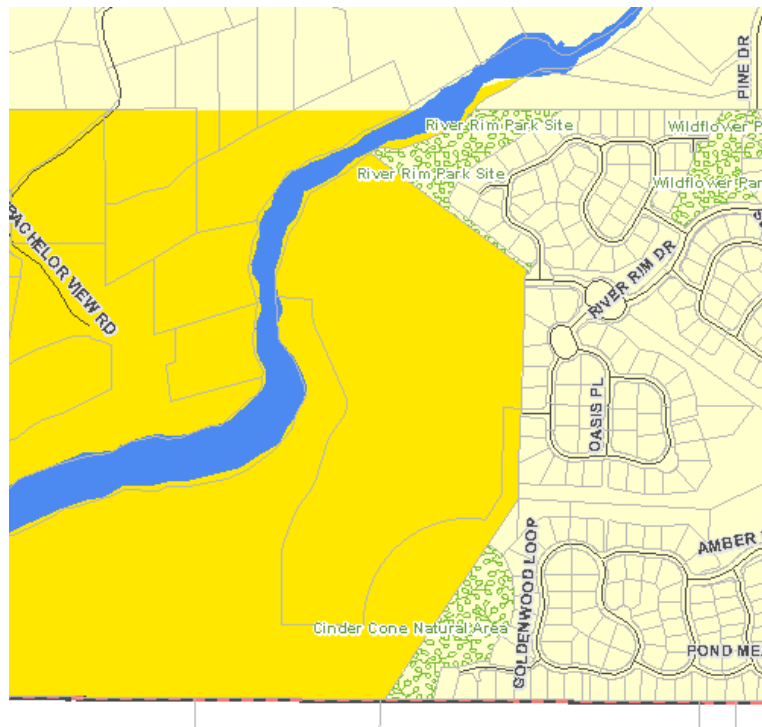
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above the Deschutes River and features Manzanita, native brushes, grasses, and a few Ponderosa Pine trees.

Access to the property is provided via existing private streets with public access easements, River Rim Drive and Amberwood Place. Amberwood Place connects to Golden Meadow Loop, which in turn connects to River Rim Drive.

Surrounding Zoning -

The property is bordered by RS zoned properties to the north and east, RL zoned (RS designated) property to the south, and RL zoned and designated properties west across the Deschutes River.



Surrounding Development -

Properties to the north and east are located within the River Rim PUD and developed with detached single-family houses at standard urban residential densities. Properties to the south and west are developed with single-family homes, at low densities. The Bend Park District also owns and maintains 3 properties in the area.

4. PROPOSAL: Master Planned Development review of a 78-lot residential development. The Master Planned Development includes lots for detached single-family homes, Areas of Special Interest (ASI), Open Space and Trails.

5. EXHIBITS: In addition to this burden of proof statement, the applicant submits the following Exhibits in support of this proposal:

- Application Form
- Application Fee
- Public Meeting Summary and Documentation
- Title Report

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- Utility Will Serve Letters
- Park District Letter
- Sewer Analysis – City of Bend
- Water Analysis – Avion Water Co Inc.
- Transportation Facilities Report and Traffic Impact Analysis
- Master Plan
 - Concept Development Plan
 - Tentative Development Plan
 - Upland ASI Mitigation Plan
- Draft Development Code Text
- Draft CC&R's
- Preliminary Home Renderings
- Subdivision Application Narrative and Plans

6. PUBLIC MEETING AND NOTICE: Notification of a public meeting for the development was mailed to surrounding property owners on November 12, 2016 and the meeting was held on November 29, 2016. The notification and the meeting were completed as prescribed in Section 4.1.215 of the Bend Development Code. Documentation of the mailed notification, meeting exhibits, a list of attendees, and meeting notes are included as an Exhibit to the proposal.

The applicant understands that the City of Bend Planning Division will send and publish notice of the application, as required by the Bend Development Code and Statutory requirements.

7. APPLICATION ACCEPTANCE DATE: A Master Planned Development Application and supporting materials are submitted with this document. The submittal packet is being submitted on December 2, 2016.

8. LAND USE NOTES: In association with this proposal, the applicant is also submitting a Subdivision application. Based upon conversations with City Staff, the applicant understands that subsequent to the Master Planned Development decision, the associated Subdivision application will be reviewed and decided upon via the Type II review procedures. Conformance with an approved Master Planned Development is an approval criterion of the Subdivision. The complete Subdivision submittal is included as an Exhibit to this Master Planned Development Application.

III. Conformance with the Chapter 4.5 Master Planning and Development Alternative

4.5.300 Master Planned Developments.

A. Applicability. The Master Planned Development designation may be applied over any of the City's land use districts for any property or combination of properties three acres or greater in size. For projects consisting of one or more properties totaling 20 acres or larger at the date of adoption of this code, a Master

Neighborhood Development Plan shall be required in conformance with BDC 4.5.400, Master Planned Neighborhood Development.

Applicant Response: The subject property is 37 acres in size. The application includes only a small part of Tax Lot 1400 for a public road and lots. The City is not required to include the totality of Tax Lot 1400 in the application. The property exceeds 20 acres in size, therefore, pursuant to this section; conformance with BDC 4.5.400 is identified as needed. However as detailed below, BDC 4.5.400 establishes that Master Planned Neighborhood Developments are only required for properties over 40 acres. The subject property is 37 acres, less than 40 acres; therefore the standards and criteria of BDC 4.5.400 are not applicable to this development.

B. Review and Approval Process.

1. Review Steps. There are three required steps for Master Planned Development approval:

- a. Step 1 – the approval of a concept development plan. The concept development plan shall include an area plan that depicts the development site concept including the surrounding area within 500 feet, and a facilities plan for sewer, water and transportation, and park facilities;**
- b. Step 2 – the approval of a tentative development plan. A tentative development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes, zoning designations and other features; and**

Applicant Response: This submittal is for a Master Planned Development. This application addresses Steps 1 and 2, and the packet includes both a “Concept Development Plan” and a “Tentative Development Plan.” As depicted on the Concept Development Plan, the submittal documents the property, a 500-foot area around the property, and it includes a plan for water, sewer, transportation, and park/open space areas. The Tentative Development Plan identifies the locations of lots, tracts, open spaces, rights of way, building envelopes, and zoning designations. The Master Plan includes all elements of the The Concept Plan and the Tentative Development Plan, thus addresses Steps 1 and 2.

- c. Step 3 – the approval of preliminary subdivision plat(s) and/or site development review application(s).**

Applicant Response: The applicant has submitted a Subdivision Plan in association with this Master Planned Development application. It is anticipated that the associated Subdivision Application will be reviewed and decided via the Type II review procedures. Conformance with the approved Master Planned Development will be a requirement of the Subdivision review.

2. Approval Process. A Master Planned Development seeks to change one or more of the development standards contained in this code, the underlying zoning and/or Bend Area General Plan designation. Therefore, a Master Planned Development concept plan application shall be reviewed using the Type III procedure in accordance with **BDC Chapter 4.1**, Development Review and Procedures.

The tentative development plan may be reviewed using the Type II procedure in accordance with **BDC Chapter 4.1**, Development Review and Procedures, and shall ensure substantial compliance with the approved/proposed MPD concept development plan.

In order to expedite the process, the review steps, notification and hearings may be combined.

Applicant Response: The property is unique; the zoning on the property is Residential Urban – Low Density (RL), however the property has Residential Urban – Standard Density (RS) General Plan designation. Furthermore, a significant portion of the property and the surrounding area is identified as Upland ASI and/or River Corridor ASI, which make the areas generally undevelopable. Although zoned RL, the Development Code and General Plan, both require that the property be developed at the RS - General Plan density of 2-7.3 units per acre. Through the Master Planning process, the applicant intends to create a unique development that achieves needed densities, preserves the ASI areas, and is compatible with surrounding properties, which are zoned both RS and RL. To achieve the desired outcome, the proposal does not include a Zone Change; instead the proposal achieves a density of 2 units per acre, which is consistent with both the RL and RS density ranges. To achieve the desired density, in an area where development is limited by ASIs, exceptions to the RL development standards are necessary, exceptions include:

- Minimum lot size is reduced from 15,000 to 8,000 square feet
- Lot Width is reduced from 100 to 70 feet
- Front setbacks are reduced from 20 feet to 10 feet
- Side yard setbacks are reduced from 10 feet to 5 feet
- Rear Yard Setbacks are reduced from 10 feet to 5 feet
- Lot Coverage is increased from 35% to:
 - 50% for single-story homes
 - 35% for all other uses
- Right of Way width reduced from 60 feet to 50 feet
- Trailhead Parking

In no case are exceptions to the RS development standards being requested.

The complete Master Plan (Concept and Tentative Development Plan) is included with this submittal. In order to expedite the process, it is anticipated that the review steps and hearing will be combined, as allowed under this section.

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The applicant shall submit an application in conformance with the following provisions:

a. The Master Planned Development shall include, but not be limited to, the informational requirements of **BDC 4.3.200**, General Requirements, as well as the following elements:

- i. Existing and planned major street network plans, including proposed arterial, collector and local street alignments within the master planned area and where the streets will connect with the existing street system.
- ii. Existing and planned water and sewer facilities to serve the master planned area, including line sizes, general location or routes and how the lines will tie into adjacent areas and facilities.
- iii. Existing and planned pedestrian and bicycle corridors within the master planned area and where these facilities will connect with existing facilities.
- iv. Public and/or private parks, open space or common areas.
- v. Planned densities and types of uses within the affected area.
- vi. A written narrative that explains or describes:
 - (A) How the proposed water, sewer and street system will be adequate to serve the size and type of development and uses planned for this area;
 - (B) How the location and sizing of water and sewer facilities on site will be consistent with the existing and planned facilities;
 - (C) How adequate water flow volumes will be provided to meet fire flow and domestic demands; and
 - (D) The function and location of any private utility system.

Applicant Response: This section addresses submittal requirements. As documented in the submitted materials, the submittal requirements of 4.3.200 and the above noted elements are all included in the plans, narrative, and proposed text provided with this application. Also sewer, water and transportation system analyses are included with the submittal, which document that the proposed improvements will be able to accommodate the proposed development. Furthermore, conformance with approval criteria is addressed in detail throughout this narrative.

vii. **Draft Development Code text in a format prescribed by the City, which provides special development standards intended to implement the proposed MPD.**

Applicant Response: Attached as an Exhibit is a Draft Development Code text, which is intended to implement the proposed Master Plan Development.

b. No application for a Master Planned Development shall be approved unless the applicant can explain in a written narrative how the following requirements are met:

i. The MPD contributes to orderly development and land use patterns in the area, will be compatible with adjacent developments and will not adversely affect the character of the area.

Applicant Response: To address this criterion it is necessary to establish a “surrounding area” and note the “character” of the area, so that an assessment of the proposal’s affect on the area and character can be measured.

Surrounding Area:

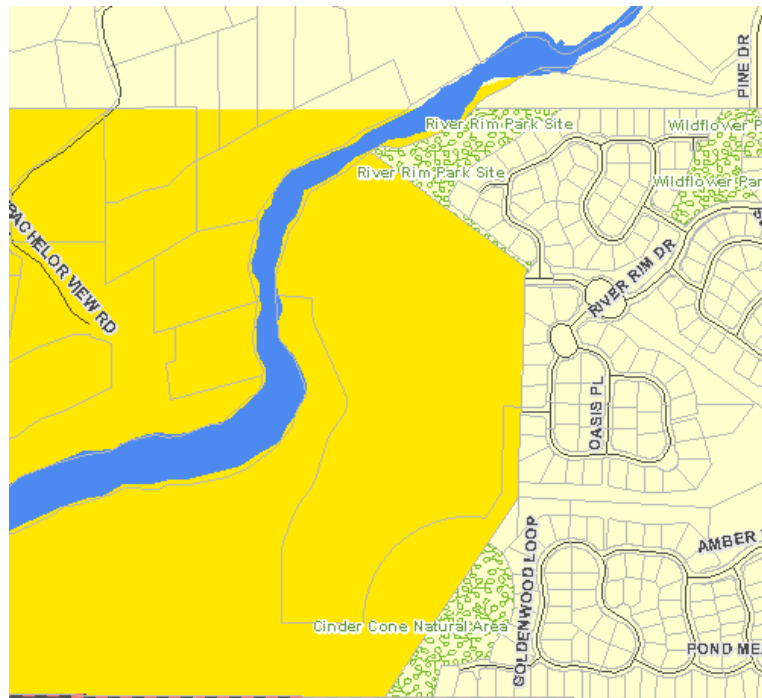


The project area is situated between the Deschutes River to the west and the River Rim PUD to the east and north. The location is relatively isolated and near the edge of the Urban Growth Boundary. This area has been selected as the “surrounding area”, given its proximity to the development site and potential to be impacted by the proposal. Potential impacts include visual impact, impacts to public facilities, transportation systems, or usage of parks and amenities.

Character of the Area:

The character of the area is primarily driven by uses that are permitted within the base zones in the surrounding area. As depicted on the map below, the property is bordered

by RS zoned properties to the north and east, RL zoned (RS designated) property to the south, and RL zoned and designated properties west across the Deschutes River.



RS Zoned properties are intended to provide opportunities for a wide variety of residential housing types at the most common residential densities; the residential density range in the RS district is 2.0 to 7.3 dwelling units per gross acre. RL Zoned properties are intended to consist of large urban residential lots; the residential density range in the RL district is 1.1 to 2.2 dwelling units per gross acre. The surrounding area is generally developed as intended by the underlying zone, thus provides the character intended by the underlying zones. The areas to the east and north are situated within the River Rim PUD, zoned RS, and developed at standard urban densities. The properties to the west, across the Deschutes River, are large lot, low-density properties.

In addition to developed character, the surrounding area has a number of unique natural features, including the rimrock, the cinder cone ASI, the Deschutes River and the River Corridor ASI.

This section requires an assessment of the following elements, each of which are addressed below:

- Orderly development
- Land use pattern
- Compatibility
- Potential adverse affect on character

Orderly Development – Orderly development is measured by the extension of water, sewer, and transportation systems “to and through” the property in an efficient and

logical manner. The areas to the north and east of the subject property are developed as the River Rim PUD. The River Rim PUD has an established development pattern that impacts the subject property, including potential water, sewer and transportation connections; locations at River Rim Drive and Amberwood Place. The Deschutes River and the River Corridor ASI are significant natural features and barriers that separate the property from the area to the west. The area to the south is undeveloped.

As detailed in the Master Plan, the proposal includes the extension of water mains, sewer mains, and a local street system. The proposed extensions connect from the River Rim PUD, into and throughout the subject property, extending from River Rim Drive and Amberwood Place to the southernmost property line. The internal street system and public facility extensions conform to City design standards; thus are orderly, as established by the City. As noted above, connections to the west are restricted by the Deschutes River and the River Corridor ASI. The connection to the south is also limited due to the topography and the existence of an Upland ASI. Although only one water, sewer and transportation connection location is proposed to the south, the one connection location is most efficient and logical location, thus orderly.

In addition to the primary system connections (water, sewer and transportation), the Bend Bicycle and Pedestrian Plan identify a Primary Trail within the River Corridor ASI. The location of this Trail has been refined by work accomplished by the Deschutes River Trail Extension Advisory Committee, conducted by the Bend Park and Recreation District. The proposed Master Plan includes the dedication of an easement for a trail system that carries out the preferred alternative Trail Option 3C of the Advisory Committee. The proposed sidewalks and trail connections are logical and efficient connections in this area, thus also orderly.

Land Use Pattern – The areas to the east and north are situated within the River Rim PUD, zoned RS, and developed at standard urban densities. The properties to the west, across the Deschutes River, are large lot, low-density properties. The area to the south is undeveloped and contains a significant of a Cinder Cone, an Area of Special Interest. The property subject the the current application is identified with a RS General Plan designation; General Plan and Development Code provisions require that development meet the RS - General Plan density range. Therefore, this site is not able to develop only as an RL property. Rather than including a zone change as part of the submittal, and developing as an RS development, the applicant proposes to retain the RL zone and develop lots that create a transition from the RS area in the east the lower density RL area in the west (across the Deschutes River). As shown on the Master Plan, the lots nearest to the River Rim PUD range in size from 10,546 sq. ft. -14,450 sq. ft., similar in size to lots of the developed River Rim PUD. The lots on the west side of the property, nearest the river are larger, 15,788 sq. ft.- 69,999 sq. ft. in size.

Pursuant to the RS General Plan density requirements, the proposal includes the lowest density possible on the property, 2 units per acre. The design achieves the required and desired density in a way that transitions the abutting RS developed properties to the RL zoned properties west of the river. The lot layout, street design, and ASI

preservation elements respect and maintain topographic features, including the rimrock and the Deschutes River, thus creates a lot pattern that is compatible with the surrounding area.

Compatible – The surrounding area has a number of unique natural features, including the rimrock, the cinder cone ASI and the Deschutes River. As depicted on the Master Plan, the design incorporates all of the natural features into the design; it includes trail connections, along with lot designs, and planned building envelopes, which when combined with setback, lot coverage, and height requirements will not deter from the surrounding natural features.

Regarding structural compatibility, the applicant is proposing a development of single-family homes on lots that are between 8,259 – 69,999 sq. ft. The lot sizes and design style are similar to the abutting River Rim PUD. The proposal includes a portfolio of home styles that are planned on some of the lots; the portfolio is included as an Exhibit to the proposal. In addition to the portfolio of design styles, the Applicant requests flexibility in design, particularly along the westernmost lots. Flexibility is proposed to allow for individual homeowner preferences and custom home building during the final design phase. The Master Planned Development and associated Subdivision will include an Architectural Review Committee and CC&Rs which establish and enforce a design style that ensures compatibility in the area. As documented in the home design plan, and the planned CC&Rs, the type and style of development is similar to the developed River Rim PUD development, thus compatible with surrounding developed properties and area.

Potential Adverse Affect of Character – As detailed above, the proposal will be orderly, it has an appropriate land use pattern, and the development will be compatible with the surrounding developed and natural areas. As such, the proposed Master Plan is not anticipated to have any adverse effect on the character of the area.

Unrelated to “affect on character”, but related to potential impacts, the streets within River Rim PUD are private streets; the proposed development has the potential to impact these streets, both during development and after completion. The applicant has coordinated with the River Rim Community Association and has indicated to the Association that they are willing and able to enter into an agreement to ensure that, in the event of damage during construction, private streets be returned to their pre-construction level of improvement. Furthermore, the applicant plans to contribute toward the expense of maintaining River Rim Drive on a pro rata basis.

Not Adversely affect – Given that the proposed Master Planned Development is orderly, it has a similar land use pattern to surrounding areas, and development will be similar and compatible to the surrounding developed areas, it is not anticipated to adversely affect the surrounding development. Furthermore, all surrounding ASI, open space, and park areas will be retained, and the proposal extends a primary trails system through the property, thus the development will also not adversely impact the natural areas.

ii. The MPD will not create excessive demand on public facilities and services required to serve the development.

Applicant Response: As depicted on the Master Plan, the proposal includes the extension of water and sewer facilities to and through the development in accordance with City Standards. Also, included as Exhibits to the submittal, are water and sewer analyses. The analyses document that with the planned improvements, water and sewer systems will have adequate capacity to serve the proposed development.

iii. The MPD contributes to the orderly development of the Bend area transportation network of roads, bikeways, and pedestrian facilities, and does not conflict with existing public access easements within or adjacent to the development.

Applicant Response: Orderly development involves the extension of the transportation systems “to and through” the property in an efficient and logical manner. The area to the north and east of the subject property is developed as the River Rim PUD; it has a development pattern that impacts the subject property, including transportation stubs at River Rim Drive and Amberwood Place. The Deschutes River is a significant natural barrier that separates the property from development to the west, and the area to the south is undeveloped, but listed as an Upland ASI.

As detailed on the Master Plan, the proposal includes the extension of the local street system. The proposed extensions connect from the River Rim PUD, into and throughout the subject property, and it extends to the southernmost property line. The internal street system conforms to City design standards; including adequate width for vehicular travel, sidewalks, and landscaping strips, thus is orderly. The Deschutes River and the River Corridor ASI restrict connections to the west, and the number of connections to the south is limited by the topography and the Upland ASI. Although only one connection to the south is proposed, it is the most efficient and logical location, thus orderly.

In addition to the right of way system connections, the Bend Bicycle and Pedestrian Plan identifies a Primary Trail along the river. The location of this Trail has been refined by work accomplished by the Deschutes River Trail Extension Advisory Committee, conducted by the Bend Park and Recreation District. The proposed Master Plan includes the dedication of an easement for a trail system that carries out the preferred alternative Trail Option 3C of the Advisory Committee. The proposed Master Planned Development dedicates an easement for trail extensions, along with the creation of a trail connection from the public street system to the trails. The proposed sidewalks, in addition to trail extensions and connections are logical and efficient connections thus orderly.

iv. The MPD provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, designated areas of special interest, and other natural resources to the

maximum degree practicable. Preservation shall be considered impracticable when it would prevent development of public streets, public utilities, needed housing or land uses permitted by the applicable land use district. The term prevent in this standard means that the development cannot be designed to avoid the significant tree(s). An inability to achieve maximum permitted density by complying with this subsection shall not in itself be considered to prevent development.

Applicant Response: The property contains 2 areas of natural features, and Upland ASI area and a River Corridor ASI area. Both of these areas are identified on the Master Plan and development is not proposed in these areas. The Master Plan includes pedestrian connections into both of these areas, but these areas will otherwise be preserved in their natural state. Other than ASIs, the site contains significant trees and native vegetation. The only grading and tree removal that is planned at this time is that needed to accommodate the planned street locations and site preparation in the southwest quadrant. All other trees will be retained at this time, and further review of trees and preservation thereof will occur with subsequent building permit application.

v. The MPD conforms to the Bend Area General Plan Map, or amendments to the General Plan Map, text or policies shall be proposed and approved as part of the Master Planned Development plan in conformance with [BDC Chapter 4.6](#).

Applicant Response: A complete review of BDC 4.6 is included below, as detailed in that section the proposal conforms to the entirety of that chapter. Furthermore, the Bend Area General Plan Map designates the property as RS, an area with a density range of 2-7.3 units per acre. The proposed Master Planned Development has a density of 2 units per acre, which achieves the density of the General Plan. The General Plan Map also identifies an Upland ASI area and River Corridor ASI area on the subject property. The project does not include development within the ASI areas and, as documented in a review of BDC Chapter 2.7 below, the design conforms to all provisions of the ASI implemented through the Development Code, thus the proposal conforms to the ASI elements of the Bend Area General Plan Map.

C. Applicability of [BDC Title 3](#), Design Standards. The development standards of [BDC Title 3](#) apply to all Master Planned Developments, unless otherwise specified as part of a MPD concept proposal.

1. Concept Development Plan Submission.

a. General Submission Requirements. The applicant shall submit an application containing all of the general information required for a Type II or III procedure, as governed by [BDC Chapter 4.1](#), Development Review and Procedures. In addition, the applicant shall submit the following information:

- i. **A statement of planning objectives to be achieved by the Master Planned Development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.**

Applicant Response: A statement of planning to be achieved by the Master Planned Development is detailed in the proposed Development Code text, which is attached and an Exhibit to this submittal. As detailed therein, the proposal conforms to this submittal requirement.

- ii. **A concept schedule indicating the approximate dates when construction of the Master Planned Development and its various phases are expected to be initiated and completed.**

Applicant Response: A phasing plan is included on the submitted materials. As detailed thereupon, the development is proposed in three phases. Phase 1 is proposed to be platted within 1 year of approval. Phases 2 and 3 are planned to be completed within 2 years of approval, however the proposal includes a 5-year possibility, as permitted with Phased Subdivisions.

- iii. **Narrative report or letter documenting compliance with the applicable approval criteria contained in this code.**

Applicant Response: This document is the narrative documenting compliance with the applicable approval criteria, complying with this submittal element.

- iv. **Special studies or reports prepared by qualified professionals, including compliance with **BDC Chapter 4.7**, Transportation Analysis, may be required by this code, the City Planning Director, Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.**

Applicant Response: The submittal packet includes a Transportation Facilities Report (TFR) and a Traffic Impact Analysis (TIA). No other special studies or reports have been identified as being needed by the City.

- b. **Additional Information. In addition to the general information described above, the concept development plan application shall include the following exhibits and information:**

- i. **Site analysis map, as defined in **BDC 4.2.300**, Design Review;**
- ii. **Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan);**

- iii. Grading concept plan (for hillside or sloping properties, or where extensive grading is anticipated);
- iv. Landscape concept plan and tree preservation plan in accordance with **BDC Chapter 3.2**;
- v. Architectural concept plan (e.g., information sufficient to describe architectural styles, building heights, and general materials);
- vi. Sign concept plan (e.g., locations, general size, style and materials of signs);
- vii. Copies of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.);
- viii. Facilities plan showing how the planned development will be served by streets, sewer and water.

Applicant Response: The submittal packet includes all of the information identified in this section. Also, the applicant plans to develop and record CCR's in accordance with the Planned Communities Act, ORS 94.550, which will provide for the establishment of a homeowners association and management of an Architectural Review Committee, along with common areas and amenities.

2. Concept Development Plan Approval Criteria. The applicant shall submit a narrative and plans detailing how the following criteria are satisfied. The City shall make findings demonstrating that all of the following criteria are satisfied when approving, or approving with conditions, the concept plan. The City shall make findings demonstrating that one or all of the criteria are not satisfied when denying an application:

a. **Bend Area General Plan.** All relevant provisions of the Bend Area General Plan are met except as proposed to be modified by the applicant in conformance with the submittal requirements and criteria of subsection (B)(2) of this section.

Applicant Response: The relevant provisions of the Bend Area General Plan are met and are addressed below, in a review of BDC 4.6.300.

b. **Land Division Chapter.** All of the requirements for land divisions, as applicable, shall be in conformance with **BDC Chapter 4.3**, Subdivisions, Partitions, Replats and Property Line Adjustments; except as proposed to be modified by the applicant in conformance with subsection (B)(2) of this section.

Applicant Response: The City of Bend Land Division Chapter 4.3 is entirely addressed in the associated Subdivision Application. The entirety of the Subdivision Application is included as an Exhibit to this Master Planned Development submittal. As detailed in that Subdivision Application Exhibit, the development conforms to the

requirements for land divisions, therefore the proposal conforms to this approval criterion.

c. Applicability of BDC Chapters 2.0 and 3.0. All of the land use and design standards contained in BDC Chapters 2.0, Land Use District Administration, and 3.0, Development Standards Administration, are met, except as proposed to be modified by the applicant in conformance with subsection (C)(1) of this section.

Applicant Response: The applicant is proposing exceptions to the following RL development standards:

- Minimum lot size is reduced from 15,000 to 8,000 square feet
- Lot Width is reduced from 100 to 70 feet
- Front setbacks are reduced from 20 feet to 10 feet
- Side yard setbacks are reduced from 10 feet to 5 feet
- Rear Yard Setbacks are reduced from 10 feet to 5 feet
- Lot Coverage is increased from 35% to:
 - 50% for single-story homes
 - 35% for all other uses
- Right of Way width reduced from 60 feet to 50 feet
- Special trailhead parking

In no case are exceptions to the RS standards being requested.

Other than the identified exceptions to the RL zone, the proposal conforms to all applicable standards of Chapters 2 and 3. A complete assessment of Chapters 2 and 3 of the Development Code is included below. As detailed therein, the application complies with all applicable provisions of Chapters 2 and 3, except the standards to be modified under subsection (C)(1) of this section, therefore the proposal conforms with this approval criterion.

d. Requirements for Open Space. Public and private open space within a development is highly encouraged as a public benefit. Open space, consistent with the purpose of this chapter, shall be designated within a Master Planned Development when:

- i. **The Master Planned Development area is 40 acres or greater; or**
- ii. **The applicant is seeking exceptions to Bend Area General Plan, zoning designations or the standard Development Code provisions and/or density.**

Applicant Response: This section establishes that open space is “highly encouraged”, but only requires open space when a property is over 40 acres, when exceptions are requested, or when density will be modified. The applicant has proposed a Master Planned Development that simultaneously provides required densities, preserves ASI

areas, and is compatible with surrounding development. As shown on the Master Plan, the proposal includes open space areas adjacent to the Upland ASI and connecting to the River Corridor ASI, providing any additional open space would result in smaller lot sizes, diminishing compatibility with the surround development. The amount of open space in the vicinity of the property, along with the proximity to a significant amount of unique natural features in this area, far exceeds that of most developments throughout the City of Bend. Given the amount of ASI, park space, and the connections to open space opportunities, the project achieves the intent of this section and additional open space is not necessary.

e. Standards for Open Space Designation. The following standards shall apply:

- i. The open space area shall be shown on the concept development plan and recorded with the final plat or separate instrument; and**
- ii. The open space shall be conveyed in accordance with one of the following methods:**

- (A) By dedication to the Park District or City as publicly owned and maintained open space. Open space proposed for dedication to the Park District or City must be acceptable with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities;**
- (B) By leasing or conveying title (including beneficial ownership) to a corporation, owners association or other legal entity. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.**

Applicant Response: The applicant plans to create a trail easement for the Park District preferred alternative Options 3C connection to the Deschutes River Corridor ASI. Furthermore, the Master Plan includes internal trails that connect to the Park District preferred alternative Options 3C connection to the Deschutes River Corridor ASI, which will be owned and maintained by the owners association, with public access easements thereupon. The proposed ownership/title conforms to the provisions of this section.

f. Standards for Approval. In granting approval for a Master Planned Development concept development plan the applicant must demonstrate that the proposal is consistent with the criteria for land division approval in BDC 4.3.300, Tentative Plan.

Applicant Response: The City of Bend Land Division Chapter 4.3 is entirely addressed in the associated Subdivision Application. The entirety of the Subdivision Application is included as an Exhibit to this application. As detailed in Subdivision

Exhibit, the proposed development conforms to all requirements for land divisions; therefore the proposal conforms to this approval criterion.

g. Additional Approval Criteria for Master Planned Development Applications. A recommendation or a decision to approve, approve with conditions or to deny an application for a MPD application shall be based on the criteria listed in **BDC 4.6.300(B)**, Criteria for Quasi-Judicial Amendments.

Applicant Response: A complete review of BDC 4.6.300(B) is included below. As detailed in that section, the proposal conforms to all relevant provisions of that BDC 4.6.300(B); therefore the proposal complies with this reference provision.

h. Transportation Analysis Chapter. The proposal complies with **BDC Chapter 4.7**, Transportation Analysis.

Applicant Response: The applicant's traffic engineer, Kittelson and Associates, Inc. has prepared a Transportation Facilities Report (TFR) along with a Traffic Impact Analysis (TIA). The report is attached as an Exhibit to this submittal and it complies with the submittal provisions of BDC Chapter 4.7, and it documents conformance with the approval provisions of BDC Chapter 4.7; therefore the proposal conforms to this reference provision.

D. Administrative Procedures.

1. Land Use District Map Designation. After a Master Planned Development concept development plan and tentative development plan have been approved, the approved Master Planned Development designation for the subject development site shall be shown on a map maintained by the City that illustrates the location of approved Master Planned Developments and the approved MPD overlay text will be added to **BDC Chapter 2.7** as a new planned district.

As a condition of approval, the applicant shall record a deed restriction on the subject properties and all future lots and parcels created, noting inclusion in the approved Master Planned Development area.

Applicant Response: This section establishes a procedural provision. The Applicant understands that after approval, the subject property will be shown on a map maintained by the City and that the text will be incorporated into Chapter 2.7 of the Bend Development Code. Also, the applicant understands that they will be required to record a deed restriction noting that the property is included within the Master Plan.

- 2. Time Limit for Filing a Tentative Development Plan....**
- 3. Extension...**

Applicant Response: The submittal includes both a Concept Plan and a Tentative Development Plan, therefore the time limit for filing a Tentative Development Plan and extensions thereto are not applicable to this submittal.

4. Tentative Development Plan Submission Requirements. The applicant shall submit an application for a tentative development plan. The contents of the application information shall be determined by the conditions of approval for the concept development plan. At a minimum, the tentative development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes and other features, prior to approval of a development permit (e.g., Land Division, Development Review, Site Development Review, etc.). The tentative development plan shall be reviewed using a Type II procedure in conformance with **BDC Chapter 4.1**, Development Review and Procedures.

Applicant Response: As detailed in the submittal packet, the Tentative Development Plan includes the location of the lots, tracts, open space, rights-of-way, building envelopes, and other features of the site. The Tentative Development Plan is being submitted at this time and is anticipated to be approved as part of the Master Plan, before the associated Subdivision is approved.

5. Tentative Development Plan Approval. The City shall approve the tentative development plan upon finding that the final plan conforms to the concept plan and all required conditions of approval. Minor changes to the approved concept development plan may be approved with the tentative development plan, if consistent with all of the site development review standards set forth in this code and the following criteria:

- a. Increase or decrease of residential densities or lot coverage by no more than 15 percent, when such change conforms to the Bend Area General Plan;
- b. A reduction to the amount of open space or landscaping by no more than 10 percent;
- c. An increase in lot coverage by buildings or changes in the amount of parking by no more than 15 percent. Greater changes require approval of a modification in conformance with **BDC Chapter 4.1**, Development Review and Procedures;
- d. No change in land use shall be permitted without approving a modification to an approved concept development plan in conformance with **BDC Chapter 4.1**, Development Review and Procedures;
- e. No change that places development within environmentally sensitive areas including ASIs or areas subject to a potential hazard shall be approved without approving a modification to an approved concept development plan in conformance with **BDC Chapter 4.1**, Development Review and Procedures;

- f. The location of buildings, proposed streets, parking lot configuration, utility easements, landscaping or other site improvements shall be as proposed on the concept development plan, or as modified through conditions of approval. Changes in the location or alignment of these features by more than 50 feet shall require approval of a modification, in conformance with **BDC Chapter 4.1**, Development Review and Procedures; and
- g. Other changes made to the approved concept development plan shall require approval of a modification, in conformance with **BDC Chapter 4.1**, Development Review and Procedures.

Applicant Response: The Concept Plan and Tentative Development Plan are being reviewed concurrently; therefore the exceptions to the Concept Plan allowed under this section are not applicable to the current submittal.

6. Development Review and Building Permit Approvals. Upon receiving tentative development plan approval, the applicant may apply for one or more development reviews (e.g., Land Division, Development Review, Site Development Review, etc.). Building permits shall not be issued until all required development permits have been issued and appeal periods have ended.

- a. **Development Review.** **BDC Chapter 4.2**, Site Plan Review and Design Review, applies to developments requiring Site Development Review or Architectural Design Review. **BDC Chapter 4.3**, Subdivisions, Partitions, Replats and Property Line Adjustments, applies to land divisions (partitions and subdivisions). [Ord. NS-2263, 2016; Ord. NS-2229, 2014; Ord. NS-2016, 2006]

Applicant Response: As detailed throughout this narrative, the applicant is submitting a Subdivision Application in association with this Master Planned Development Submittal. It is anticipated that the City will issue a decision on the Subdivision after a decision is rendered on this Master Planned Development application.

4.5.400 Master Planned Neighborhood Development.

The purpose of this section is to ensure the development of fully integrated, mixed-use, pedestrian-oriented neighborhoods. The intent is to minimize traffic congestion, urban and suburban sprawl, infrastructure costs, and environmental degradation, particularly as new development takes place on large parcels of land.

A. Applicability. This section applies to all properties comprised of one or more lots, parcels, and/or tracts, in any zoning district which totals 40 acres or larger at the date of this code adoption.

Applicant Response: This section is not applicable because the property is less than 40 acres.

IV. Conformance with Chapter 4.6 Land Use District Map and Text Amendments

4.6.300 Quasi-Judicial Amendments.

A. Applicability, Procedure and Authority. Quasi-judicial amendments generally refer to a plan amendment or zone change affecting a single or limited group of properties and that involves the application of existing policy to a specific factual setting. Quasi-judicial amendments shall follow the Type III procedure, as governed by BDC Chapter 4.1, Development Review and Procedures, using the standards of approval in subsection (B) of this section, Criteria for Quasi-Judicial Amendments. Based on the applicant's ability to satisfy the approval criteria, the applicant may be approved, approved with conditions, or denied.

Applicant Response: The proposal includes a Master Planned Development that includes exceptions to Development Code standards. BDC Chapter 4.5 establishes that Master Planned Developments require that new Development Code sections be established to carry out the Master Planned Development. The creation of new standards and the process of adding a section to the Development Code is an amendment to the Development Code. The proposed amendments only affect the subject property; therefore the submittal is a quasi-judicial amendment under this section.

B. Criteria for Quasi-Judicial Amendments. The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

Applicant Response: There are 19 Statewide Planning Goals that express Oregon's land use policies. Each local government throughout Oregon, including the City of Bend, must adopt a comprehensive plan to implement the Statewide Planning Goals. The City of Bend has adopted a Comprehensive Plan (the Bend Area General Plan), and as detailed below, the proposed Development Code text (that will carry out the Master Planned Development) conforms to all applicable General Plan policies. Additionally, the City of Bend has adopted local land use regulations, including the Bend Development Code and Public Facility Plans, to implement the policies of the General Plan. As documented throughout this Burden of Proof narrative, the proposal conforms to the approval criteria of the Development Code and is consistent with the relevant policies of the General Plan; therefore the proposal is consistent with the relevant Statewide Planning Goals.

The applicant understands that of the 19 Statewide Planning goals, the Planning Director has identified goals 1, 2, 5, 10, and 12 as relevant for discussion in this Master

Planned Development proposal. All other goals have been determined to either not apply to this application, or are clearly satisfied through the City's acknowledged comprehensive plan, local land use regulations, and/or functional plans.

Goal 1 - Citizen Involvement, "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

Applicant Response: A discussion of Goal 1 is relevant because the proposal includes a quasi-judicial review; thus ensuring the opportunity for citizen involvement is necessary.

Conformance with Goal 1 is achieved in Bend through *Chapter 1 - Citizen Involvement* of the Bend Area General Plan and through the implementation procedures that have been adopted in the Bend Development Code. Chapter 1 of the General Plan identifies the Bend Planning Commission as the official Citizen Involvement Committee for the City of Bend. The Bend City Council, upon the recommendation of the Planning Commission, adopted the procedures in the Development Code, and those procedures have been acknowledged by the Department of Land Conservation and Development (DLCD). The adopted Development Code contains provisions to ensure an appropriate level of citizen involvement is achieved; in this case, citizen involvement is achieved via the Type III review procedure. The applicant expects that the Development Code's adopted Type III citizen involvement procedure will be followed in the City's review of this application.

The first step for citizen involvement is the public meeting, which is required by Section 4.1.215 of the Development Code. Documentation that the public meeting was held in accordance with the provision of Chapter 4.1.215 is included as an Exhibit to this proposal. In addition to the Public Meeting, citizen involvement is provided via Development Code adopted Type III notification and review procedures; detailed in Section 4.1.400 of the Development Code. Type III procedures require that citizens be informed in four different ways about the public hearing: published notice, posted notice, individual mailed notice, and neighborhood association contact. The notices inform citizens about the hearing and note that any interested parties may participate by submitting written or verbal testimony. The applicant submitted a Type III application, and understands that a public hearing before the Planning Commission will be noticed and held in conformance with the public involvement procedures in the Bend Development Code. Citizen involvement is achieved through the City's acknowledged Citizen Involvement Plan. The procedures in the adopted Development Code ensure consistency with Statewide Planning Goal 1.

Goal 2 – Land Use Planning, "To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions."

Applicant Response: A discussion of Goal 2 is relevant because the proposal includes a planning review, which must be based on a factual record.

The proposal includes a plan to amend the Bend Development Code to carry out the Master Planned Development. The proposal will be reviewed in accordance with the planning processes and policy framework that have been established in the adopted Bend Development Code (an acknowledged local land use regulation). It is anticipated that the proposal will follow the established local planning process, and will neither alter the process for administration of the Development Code, nor the acknowledged procedural requirements (which ensure a factual base for all decisions). By following the adopted Development Code procedures, the review of the proposal will be consistent with Statewide Planning Goal 2. Goal 2 also requires coordination with affected governmental entities and an adequate factual base for the decision. Coordination will be achieved by providing notice of the application to governmental and quasi-governmental agencies providing service to the site, allowing those agencies an opportunity to comment and incorporating the comments as much as possible. Further, the application provides an adequate factual base for the decision by including evidence demonstrating that applicable approval criteria are satisfied.

Goal 3, Agricultural Lands

Goal 4, Forest Lands

Applicant Response: Goals 3 and 4 are not applicable because the subject property is not zoned for agriculture or forest use,

Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces, To protect natural resources and conserve scenic and historic areas and open spaces.”

Applicant Response: The Master Planned Development area contains mapped ASI areas. As detailed in the Master Plan Exhibit, the ASI areas are proposed to be preserved. The Development Code includes criteria and standards pertaining to protection and preservation of ASIs in the City of Bend. A comprehensive review of the applicable sections of the Development Code are addressed in Chapter 2.7 below. As detail in that Section, the Master Planned Development protects the ASIs as prescribed in the Development Code; therefore the proposal is consistent with this statewide planning Goal.

Goal 6, Air, Water and Land Resources

Applicant Response: This goal is not applicable to the current application because the Development Code text which will implement the Master Planned Development will not have any impacts to air, water and land resources quality. Future single family home development is planned to comply with all applicable city, state and/or federal environmental quality statutes, rules and standards; therefore the proposal will ensure that Air, Water and Land will be sufficiently protected. Furthermore, air and water

quality are regulated by the Oregon Department of Environmental Quality, and development does not include development on any unique land resources.

Goal 7, Areas Subject to Natural Hazards

Applicant Response: This goal is not applicable because planned development on the property is not within an identified natural hazard area.

Goal 8, Recreational Needs

Applicant Response: The Park District owns and maintains properties around the subject property. The proposal includes trailhead parking and trail connections to access and enhance the surrounding recreation areas. The applicant proposes to dedicate a 20-foot wide easement for the proposed trails, which is consistent with City Of Bend Development Code requirements, and accommodates recreation needs, in accordance with this Goal.

Goal 9 – Economic Development, “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”

Applicant Response: The property is residentially zoned; economic lands will not be impacted by the application.

Goal 10 – Housing, “To provide for the housing needs of Citizens of the state.”

Applicant Response: Goal 10 ensures that steps are taken, including inventories and plans, to encourage the availability of needed housing units at price ranges and levels that are commensurate with the financial capabilities of Oregon households. Through past UGB planning efforts, the City has been required to document that a 20-year supply of housing can be provided in Bend. The long-range planning efforts made by the City have been based on assumptions of development occurring within the existing UGB. To calculate land needs in Bend and the size of the UGB the City assumed densities based on “plan designations” listed on the General Plan (Buildable Lands Inventory, Housing Needs Analysis, Urbanization Study)

The proposed Master Planned Development provides 2 units per acre; a density that is consistent with the RS General Plan designation of the property, thereby ensuring that the City is adequately providing for the housing needs of citizens of the state. As proposed the Master Plan is consistent with Goal 10.

Goal 11- Public Facilities and Services, “To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”

Applicant Response: OAR 660-11 implements Goal 11, and notes, “Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary

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containing a population greater than 2,500 persons...” The City of Bend exceeds 2,500 people and has adopted water, wastewater, and transportation master plans. In addition to the adopted public facilities plans, the City has adopted the Bend Development Code.

The proposed Master Plan is consistent with the public facilities and services goal that requires the City to plan and develop land in a timely, orderly and efficient fashion, based upon the availability of public services. Infrastructure exists within the adjoining streets and all needed public facilities and services are available to serve the property when it develops. The property is surrounded by streets, water facilities, and sewer services. The submittal packet includes analyses of transportation, water and sewer, confirming that there is available capacity to serve the proposed Master Planned Development. Additionally, emergency services are available in the area through City of Bend Fire and Police Departments and the property is located within the Bend-LaPine School District, which has facilities to accommodate the planned development.

Subsequent to a Master Plan decision being rendered on this property, the associated Subdivision will be reviewed by the City of Bend (submittal packet is attached as an Exhibit). The Master Plan - Tentative Development Plan and the Subdivision Plan, document that the site can be designed in conformance with Development Code requirements. As required by Development Code standards, the development will extend public facilities to and through the property. Furthermore, as detailed in the Master Plan section above (BDC 4.5) the design proves for a timely, orderly and efficient arrangement of public facilities that are consistent with the adopted public facilities master plans. At time of development, in association with the Subdivision, the applicant plans to install all public facilities necessary to serve the planned development.

Collectively, the adopted local land use regulations provide a framework that ensures a timely, orderly, and efficient arrangement of public facilities and services are achieved throughout the City. By ensuring conformance with the adopted public facilities plans and the Development Code regulations, consistency with Goal 11 will be ensured.

Goal 12 – Transportation, “To provide and encourage a safe, convenient and economic transportation system.”

Applicant Response: OAR 660-012-0060 (1) and (2) apply to amendments to acknowledged land use regulations text and maps. The master plan application amends the acknowledged land use regulation text and map. OAR 660-012-0060(2) further provides that an application demonstrate no "significant affect" on impacted transportation facilities unless the "significant affect" is mitigated. In association with this application, the applicant has included a TFR and TIA, and as detailed in that Exhibit, the proposed development does not have a significant affect on any facility and conforms to City design and operation standards.

The proposal does not change zoning, density, or expected impacts, thus Goal 12 is

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implemented through local land use regulations. Because the Development Code includes provisions to implement the TSP and other transportation related provisions, because the proposal conforms to the Development Code, and because proposal does not have a significant affect on any facility, the proposal is consistent with this Goal.

Goal 13 Energy – “To conserve energy.”

Applicant Response: The proposal allows for development of the property at the applicable RS General Plan densities. It is expected that future development will be required to comply with Development Code requirements for single-family home construction, including all applicable Building Code requirements. Furthermore, by being well connected and providing opportunities for walking and biking, there is the potential to reduce reliance on automobiles. The applicant concludes that the adopted Development Code requirements will ensure that energy will sufficiently be conserved; approving the Master Planned Development and the related Development Code standards, will not have any negative impacts on energy.

Goal 14 Urbanization – “To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”

Applicant Response: The subject property is located within the urbanized city limits. Therefore this goal is not relevant to the proposed amendment.

Goals 15 through 19 –

Applicant Response: These goals are not applicable because they only pertain to areas in western Oregon.

***APPROVAL CRITERION #2**

2. Approval of the request is consistent with the relevant policies of the Comprehensive Plan that are designated by the Planning Director or designee;

Applicant Response: This criterion addresses consistency with the *policies* of the Comprehensive Plan (Bend Area General Plan). As described on Page P-5 of the Preface of the Bend Area General Plan, the term “policy” has a specific meaning within the General Plan; a policy is a statement of public policy.

As described on Page P-5 of the Preface: *“These statements of Policy shall be interpreted to recognize that the actual implementation of these policies will be accomplished by land use regulations such as the city’s zoning ordinance, subdivision ordinance and the like.”*

The General Plan establishes a set of policies at the end of each chapter. The Applicant has consulted with the City of Bend Planning Department in the design of the project, Pahlisch Homes

the preparation of this application, and the identification of the relevant General Plan Policies. As described below, the proposed Master Planned Development conforms to all applicable General Plan policies. In the event that the Planning Director or other interested party believes that additional policies are relevant, the Applicant will supplement the record with written documentation of conformance, as necessary.

Chapter 1 – Citizen Involvement - Urbanization of the Incorporated UGB

Development within the Urban Growth Boundary

4. New developments shall pay to extend planned sewer, water, and transportation facilities to and through the property if the development occurs prior to the scheduled construction of those facilities shown in the capital improvement plan.

Applicant Response: The City of Bend Capital Improvement Plan does not show any scheduled construction on the subject property. As depicted on the Master Plan, the proposal includes the extension of water, sewer and transportation facilities from the River Rim PUD connections, to and through the property, to the neighboring property in the south. The Deschutes River and River Corridor ASI create a natural barrier that limits connections to the west. The applicant has completed analyses of water, sewer, and transportation, and as documented therein the planned facilities can be extended in conformance with City Standards. As proposed the design is therefore consistent with this General Plan policy.

5. The city and county will encourage compact development and the integration of land uses within the Urban Growth Boundary to reduce trips, vehicle miles traveled, and facilitate non- automobile travel.

Applicant's Response: The property is bordered by the Deschutes River, the Deschutes River Corridor ASI, an Upland ASI, and existing developed. The Master Planned Development approval criteria require compatibility, which considering the surrounding area, does not lend itself to a mix of uses and/or housing types. The proposal achieves required density, preserves ASI areas, and establishes compatible development that facilitates non-automobile travel with sidewalks along with a trail connections, to the greatest extent possible. As proposed, the Master Planned Development is consistent with this policy.

6. The city and county will encourage infill and redevelopment of the core area of the city.

Applicant Response: The property is located near the edge of the Urban Growth Boundary, thus is not considered the core of the City, thus this policy is not applicable. Nonetheless, the Master Planned Development does include development of residential lands within the City in conformance with desired density.

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Refinement Plans (See definition in Glossary and related policies in Chapter 5.)

Applicant Response: Refinement Plans are defined in the General Plan as “A development plan for a designated geographic area that provides more detail on future street and utility locations, and may include additional standards for uses. Refinement Plan, as used in the Bend Area General Plan, is not the same as defined in Oregon Revised Statutes, Chapter 197.200”. Therefore these policies are applicable.

7. The city may prepare land use refinement plans for neighborhoods or other discrete geographic areas.

8. The area to be included in a refinement plan study shall be approved by the City Council, and the boundary of a study area shall be shown on the zoning map until the study is complete.

Applicant Response: These policies give the City authorization, and provide a process, for the City to prepare refinement plans. The current proposal is submitted by an individual property owner; therefore these policies are not applicable to the proposal.

9. A refinement plan, including detailed maps, policies, and text, when adopted by the city, shall become part of the Zoning Ordinance.

10. Refinement plans shall, at a minimum, provide plans for the development of sanitary sewer, water, and transportation systems and criteria by which to evaluate proposed amendments to an adopted refinement plan.

11. Refinement plans may evaluate the need for, and designate the location of, schools and park facilities, public and private open space, future neighborhood commercial or convenience commercial uses, residential, and mixed use areas.

12. Refinement plans may include site and building design regulations and alternative street standards.

Applicant Response: The materials submitted with the application include proposed text and maps to be adopted into the BDC, similar to a City initiated refinement plan. The Master Planned Development submittal packet includes proposed sewer, water, and transportation system improvements needed to support the development. Furthermore, the Master Plan documents open space and building envelopes. Conceptual design guidelines have been included and the proposed Development Code text includes alternative design standards and street standards that are specific to the Master Plan area, as allowed in these policies.

Citizen Involvement

16. The city will use other mechanisms, such as, but not limited to, meetings with neighborhood groups, planning commission hearings, design workshops, and public forums, to provide an opportunity for all the citizens of the area to participate in the planning process.

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Applicant Response: To conform to this policy, the City has established procedures within Chapter 4.1 of the Development Code; including a public meeting, public notice, and public hearings. As documented in the attached Public Meeting Documentation Exhibit, prior to submittal, the applicant has followed the Citizen Involvement policies that are implemented through the Development Code. The applicant anticipates that City review and processing of the application will further follow the established Development Code procedures, including a hearing before the Planning Commission, which will ensure consistency with this policy.

Chapter 2: Natural Features and Open Spaces

Applicant Response: The subject property is a unique area boarded to the west by the Deschutes River, including the River Corridor ASI, and boarder to the south by an Upland ASI. Both of the natural features are depicted on the Master Plan. The proposal includes trail connections into and through the River Corridor ASI, and a roadway extension into the Upland ASI, however no development is proposed within the ASIs. A complete review of Chapter 2.7 is included below and as detailed therein, the ASI areas will be preserved as required by the Bend Development Code, ensuring consistency with this policy.

6. The city and county shall review proposed developments that include Areas of Special Interest and natural features identified on the Plan Map to ensure they follow the policies of this Plan.

Applicant Response: The application is being submitted to the City; it is anticipated that the City will review the proposal as required by this policy. Furthermore, the applicant understands that the City will notify the County and provide the opportunity for the County to review and comment on the proposal. It is expected that the City will follow the adopted City review procedures, which will ensure consistency with this policy.

7. Major rock outcrops, stands of trees, or other prominent natural features identified in the General Plan shall be preserved as a means of retaining the visual character and quality of the community.

Applicant Response: As depicted on the Master Plan, all ASI areas are proposed to be retained in their natural state, rock outcrops will not be altered, stands of trees in the ASIs will be preserved and all natural features will not be impacted, ensuring consistency with this policy.

8. Natural tree cover should be retained along streets in new developments to retain the natural character of Central Oregon within the urban area as the community grows.

9. All residential development should respect the natural ground cover of the area, and the city and county shall work with developers to preserve mature trees

within the subdivision.

Applicant Response: As depicted on the Master Plan, the only trees and vegetation that are proposed to be removed at this time include those needed to accommodate the street pattern, and development area in the southwest quadrant. Additional tree and ground cover removal may occur when building plans on each lot are finalized, which will occur in conformance with all Development Code and Building Code requirements. No trees are proposed to be removed within the ASIs, therefore the proposal is consistent with this policy.

12. The city shall develop flexible subdivision and development standards that make it easier for developers to provide open space within a neighborhood.

Applicant Response: The process of approving a Master Planned Development will be the City's implementation of flexible standards. The property is 37 acres in size and of the overall area, 6.4 acres are included in ASI areas, areas that will be preserved. The applicant is proposing minor modifications to the RL zoning standards in a way that allows required density, while simultaneously preserving the ASIs and providing open space. This policy was crafted to accommodate Master Planned Developments and unique projects such as the current application.

Deschutes River Corridor

20. Within the Areas of Special Interest designated on the Plan Map, the city and county may allow developments that carry out the intent of the Plan to enhance the variety and livability of the Bend Urban Area, and provided that such developments:

- ***are not subject to natural hazards;***
- ***would not inflict irreversible harm to the riparian zone;***
- ***would enhance public open space, parks and access;***
- ***are designed to be compatible with natural features; and***
- ***provide access to the river or a trail along the river corridor to the extent allowed by law.***

Applicant Response: As shown on the Master Plan, the area of development is on a topographic bench situated 30-60 feet above the Deschutes River. The area is located outside of the floodplain and is not subject to natural hazards. Furthermore, the proposal includes a trail easement, which will enhance public open space, thus the Master Plan is compatible with the natural features, and consistent with this policy.

Chapter 3: Community Connections

Applicant Response: Chapter 3 addresses Historical Features, Cultural Amenities, Parks and Recreations and Public Education. The property includes trails in an ASI area, and the applicant has coordinated with the Park and Recreation District to ensure their needs are accommodated; the site does not contain any historic or cultural

amenities, and it is not an identified school site.

Parks and recreation facilities

12. When it is consistent with the needs identified in the Park and Recreation District's Comprehensive Management and Development Plan, park land may be acquired from a willing developer during the land subdivision process.

Urban Trails

18. The city, county, irrigation companies, state and park district shall work together to develop a series of trails along the Deschutes River, Tumalo Creek, and the major canals so that these features can be retained as an asset in the urban growth boundary and urban reserve area.

19. The city shall work with the irrigation districts to limit development within the canal easements that would impair the maintenance and operation of the canals.

20. The trails designated on the Bicycle and Trail System map shall be the basis for developing a trail system that serves the recreational and transportation needs of the community.

21. The city, when practical, shall require connecting links to the urban trail system from all adjacent new developments.

Applicant Response: While the City of Bend Bicycle and Trail System Map identifies a Primary Trail along the River Corridor on the west side of the property. The Park District, through the work of the Deschutes River Trail Extension Advisory Committee, has established Option 3C as the preferred location for a trail connection in the area. The applicant is proposing to provide an easement and a trail to carry out the preferred alternative in this area at this time; consistent with these policies.

Chapter 4: Population and Demographics

Applicant Response: This Chapter addresses population history, growth, age distribution, persons per household, education, income levels, and population forecasts and demographics. Within this chapter there are two policies related to population forecasts and data updates. This chapter does not contain any policies that apply to the current proposal.

Chapter 5 – Housing and Residential Lands

Residential compatibility

1. Future development and local development standards shall recognize and respect the character of existing areas.

2. In areas where existing urban level development has an established lot size

pattern, new infill subdivision or PUD developments shall have a compatible lot transition that respects the number of adjoining lots, lot size and building setbacks of the existing development while developing residential densities within the range for the underlying zone. New developments may have smaller lots or varying housing types internal to the development.

Applicant Response: A comprehensive assessment of lot pattern and compatibility was addressed in the Chapter 4.5 – the Master Plan Section above. As detailed therein, the Master Plan achieves City mandated densities, while protecting ASI areas, with a street layout, lot size, and residential structure design that transitions from the RS zone on the north and east, to the RL zoned properties on the west side of the River. The proposal conforms to the Master Planned Development approval criteria that have been implemented to carry out these policies; therefore the proposal is consistent with these policies.

3. The development of infill areas may, as an alternative to the standard subdivision review process, proceed through a public involvement process that would allow the maximum flexibility of design and provide for neighborhood participation.

Applicant Response: The property is zoned RL, but it has a RS General Plan designation. At 2 units per acre, the proposal achieves both RL and RS densities. To achieve the desired densities, while preserving ASI areas, the design includes lot sizes and design standards that transition from RS to RL standards. The applicant is proposing exceptions to the RL standards as permitted by the Master Plan Section of the Code BDC Chapter 4.5. The process of Master Plan approval and exceptions requires a public hearing before the Planning Commission, a public involvement that is consistent with this policy.

Neighborhood appearance (See related policies in Chapter 9, Community Appearance.)

14. All new developments shall include trees, as practical, in the planter strip between the curb and sidewalk. Such trees shall be consistent with the city's Urban Forestry Plan.

Applicant Response: The Master Plan includes street trees as required and implemented by Chapter 3.2 of the Bend Development Code, thus is consistent with this policy.

17. All residential development should respect the natural ground cover of the area insofar as possible, and existing and mature trees within the community should be preserved.

Applicant Response: As depicted on the Master Plan, the only areas that are proposed to be graded and/or include tree removal are the areas where streets are

proposed and an area in the southwest quadrant that requires grading for site preparation. Each lot is identified with a building envelope area. Homes are planned to be developed within the building envelope areas. Site-specific ground cover and tree preservation will be further reviewed at time of final plan development, in accordance with all applicable development and preservation requirements. The planned development along with City Standards that apply to Building Permit issuance will therefore ensure consistency with this policy.

Housing density and affordability

21. Densities recommended on the Plan shall be recognized in order to maintain proper relationships between proposed public facilities and services and population distribution.

Applicant Response: The General Plan designates the property as RS; this policy establishes that the RS designation should be recognized. The proposed Master Planned Development achieves a density of 2 units per acre, which is consistent with the RS density requirements; therefore the application is consistent with this policy.

22. In developing a subdivision, Planned Unit Development, or multifamily housing project the following uses and natural conditions may be deducted from the gross acreage of the property for the purpose of density calculations:

- **areas dedicated for public park use or public open space;**
- **areas developed for active recreational uses such as golf courses, tennis courts, swimming pools, and similar uses;**
- **land in excess of 25 percent slope that is not developed;**
- **natural wetlands and riparian areas that remain in a natural condition;**
- **and,**
- **“Areas of Special Interest” designated on the General Plan Land Use Map.**

Applicant Response: The proposal includes a Master Plan and the proposal calculates densities as established Master Plan Section of the Development Code; thereby ensuring desired densities are met. Additional deductions, as allowed under this section, are not proposed.

23. The city shall rezone residential lands to the designated General Plan densities when sewer service is available to the area.

Applicant Response: The proposed Master Planned Development achieves the RS General Plan designated density of at least 2 units per acre, which is consistent with this policy.

Transportation connectivity (See related policies in Chapter 7, Transportation Systems, and Chapter 3, Community Connections.)

32. Street widths on public residential local streets may vary depending on topography, anticipated traffic volumes, natural features that warrant protection, and existing street patterns in the neighborhood. Narrower streets may have limited on-street parking to ensure emergency vehicle access.

Applicant Response: The Master Plan proposes a 50-foot wide street right of way width, which is 10 feet less than the standards established in Chapter 3.4 of the Bend Development Code. The subject property is boarded to the west by the Deschutes River, to the south by an Upland ASI, and areas outside of the Bend UGB; it is anticipated that traffic will only be from the proposed development. The neighboring development to the north and east is located within the River Rim PUD; those streets private streets situated with 50-foot wide private street tracts. The proposed street design meets City street width requirements, including sufficient vehicular travel lanes, sidewalks, and landscape strips. The Master Plan proposal is requesting an exception to the street width standards under the Master Plan exceptions allowances of Chapter 4.5 of the Bend Development Code and the waiver allowances of 3.4.150. The design is permitted with the allowed exceptions established in the Development Code, thus the proposal is consistent with this policy.

36. Sidewalks shall be required in all new residential developments. Separated sidewalks shall be required, as practical, on streets that provide or will provide access to schools, parks, or commercial areas. However, an alternative system of walkways and trails that provide adequate pedestrian circulation may be approved.

Applicant Response: The proposed street sections for the Master Plan include sidewalks. Portions of some of the internal local streets may have curb tight sidewalks to help preserve trees and natural features.

37. Efforts shall continue to complete or connect existing walks along routes to schools, parks, or commercial areas.

39. Efforts shall be made to extend trails, pedestrian ways, and bikeways through existing residential areas.

Applicant Response: The proposal includes sidewalks that connect to the River Rim PUD; the walkway system in that development extends to the north and east, to schools and commercial areas. Also the proposal provides an trail system that carries out the Park Districts Trail Plan in the area. The proposed connections are appropriate for the level of development that is proposed and ensure consistency with these policies.

40. To encourage connectivity and pedestrian access, residential block length shall not exceed 600 feet except for topographic constraints. When existing conditions or topography prevent a cross street, a pedestrian accessway to connect the streets shall be required.

Applicant Response: As detailed throughout this narrative, the property is boarded on

the west by the Deschutes River, and River Corridor ASI, the south by an Upland ASI, and the north and east by existing development. All areas where complete blocks are possible are consistent with this policy. The areas that abut the existing development and topographic constraints conforms to this policy to the greatest extent practical; where blocks cannot be formed, connector trails are proposed, consistent with Development Code requirements of Chapter 3.1 and policy.

41. Residential local streets shall be developed whenever practicable to increase connectivity within and between neighborhoods.

43. Emergency equipment access shall be considered during any new residential development.

Applicant Response: As detailed on the Master Plan, the proposal includes local streets that extend to and through the development area, providing the greatest amount of connectivity possible, given the surrounding development and existing natural/topographic features.

Public utilities and services (See related policies in Chapter 1, Plan Management and Citizen

44. All residential areas shall be provided with community water and sewer services and other facilities necessary for safe, healthful, convenient urban living consistent with the density of development.

Applicant Response: The Master Plan includes the extension of water, sewer and other facilities to and through the property. Furthermore, the proposal is supported by analyses of water and sewer, which document that the services are adequate for the density of the proposed development, which is consistent with this policy.

45. Residential development shall be coordinated with other land use elements and community facilities which are consistent with projected housing densities.

Applicant Response: The Master Plan contains a street layout, lot layout, and open space trial connections that are consistent with the projected housing densities. There are multiple parks in the area and the Bend La-Pine School District provides schools through its service area, including the Bend UGB. Furthermore, the Master Planned Development will result in a neighborhood with good multi-modal connectivity to the surrounding community, consistent with this policy.

46. Electric power, telephone, and cable TV distribution and service lines shall be located underground in new developments. Efforts shall be made to place existing utility lines underground in established residential areas.

Applicant Response: As detailed in the Master Plan submittal packet, all utilities are proposed to be located underground in conformance with this policy.

47. Street lighting shall be provided in all new subdivisions at the time of development. Street light fixtures shall be shielded to direct light down.

Applicant Response: The applicant is not proposing street lights, but is willing to provide if required by City Standards.

Refinement Plan Areas

56. A refinement plan that includes residential areas may prescribe residential density limits on specific properties which differ from the density range provided for in the General Plan. However, the average density of residential development allowed within a refinement plan area shall comply with the density limitations of the General Plan.

Applicant Response: The General Plan designates the property as RS, which has a density range of 2-7.3 units per acre. The proposal achieves 2 units per acre, which is consistent with the General Plan designation, thus consistent with this policy.

CHAPTER 6 – The Economy and Lands for Economic Growth

Applicant Response: The proposal is for a Master Planned Development for a residential development. Economic Lands will not be impacted by the proposal and the policies of this Chapter are not applicable to the proposal.

Chapter 7 - Transportation Systems

6.9.1 TRANSPORTATION AND LAND USE 11

Policies:

4. Developments at the edge of the urban area shall be designed to provide connectivity to existing and future development adjacent to the urban area.

Applicant Response: The property is near the edge of the Urban Growth Boundary. As detailed on the Master Plan, the design includes a right of way connection to the south. The property to the south is with an ASI and the number of connections thereto is appropriate given the limited amount of potential future development and existing topographic features on the property.

6.9.4 PEDESTRIAN AND BICYCLE SYSTEMS

Policies:

1. The City, County, State, Forest Service, Park District and public agencies shall work together to acquire, develop and maintain a series of trails along the Deschutes River, Tumalo Creek, and the canal system so that these features can

be retained as a community asset. Connections between the Bend Urban Area Bicycle and Trails System should be made to the USFS trail system.

2. The City and Park District shall work together to acquire, develop and maintain the primary trails designated on the Bend Urban Area - Bicycle and Pedestrian System Plan – TSP: Map Exhibit B. New development shall be required to construct and dedicate Primary Trails for public use according to this plan. The alignments depicted are general in nature and shall be located according to criteria defined in TSP Section 6.3.1.3.6 These trails, and future trail additions, shall support the need for non-motorized travel in the community.

Applicant Response: A Primary Trail along the River Corridor ASI is identified by City of Bend, however the Park District has refined the trail plan in this area. The Park District Plan includes a trail system that is consistent with Trails Option 3C, the preferred alternative put forth by the Deschutes River Trail Extension Citizens Advisory Committee. The applicant understands that Option 3C is the option that is preferred by the community and was decided upon after extensive public participation and involvement. The applicant proposes to provide a 20-foot wide easements to accommodate the identified trails, which is consistent with these policies.

7. Property-tight sidewalks shall be included on both sides of all new streets except where extreme slopes, severe topographical constraints, or special circumstances exist. Landscape strips shall separate curbs and sidewalks on new and reconstructed roads. Sidewalks shall be added to all existing arterial and collector streets to fill the gaps in the pedestrian system.

Applicant Response: As depicted on the Master Plan, the proposal includes sidewalks on the planned streets, which connect to the street system in the River Rim PUD, along with a trail system in the surrounding open spaces. The design is consistent with this policy.

6.9.6 STREET SYSTEM

Policies: General:

1. Streets shall be located, designed and constructed to meet their planned function and provide space for adequate planting strips, sidewalks, motor vehicle travel and bike lanes (where appropriate). Specific effort should be made to improve and enhance east-west circulation patterns for all modes of travel throughout the community.

Applicant Response: As depicted on the Master Plan, local streets have been designed and are proposed to be located to serve the residential development, which provides housing at 2 units per acre. The design includes travel lanes, sidewalks and planter strips, in conformance with Development Code standards. The design does not include bicycle travel lanes, which are not needed or practical on local streets. In

addition to street and sidewalk improvements, the Master Plan includes a pedestrian connection as dictated by the Park District. As proposed, the design is consistent with this policy.

2. Where a subdivision or partition is adjacent to land likely to be divided in the future, streets, bicycle paths, and accessways shall continue through to the boundary line of the subdivision or partition in order to achieve connectivity within the grid system.

Applicant Response: The property to the south has the potential to be divided in the future and the proposed design includes a transportation system that extends to and through the subject property and connects to the property to the south. The proposed connection conforms to both Development Code requirements and this policy.

3. Streets shall be classified and generally located according to the Bend Urban Area - Roadway System Plan (Map Exhibit A), the Street Functional Classification (Table 12), and the Street Grid System (Figure 29). Street right-of-ways and improvements standards shall be developed to meet the needs of the Transportation Plan and Functional Classification System. Transportation project development review and approval shall be subject to the provisions of the Bend Development Code and Oregon Administrative Rule 660-012, Section 0050, as applicable.

Applicant Response: The Bend Urban Area Roadway System Plan does not list any higher order roadways on the property (Arterial or Collectors), therefore the street connectivity, and design standards necessitate local streets on the subject property. The proposal includes local streets that conform to City design standards, thus the proposal is consistent with this policy.

4. In order to reduce vehicle speed, avoid construction of excessive pavement, and create livable neighborhoods, the City shall adopt standards that allow for narrower streets and lane standards, on-street parking, and other pedestrian friendly design elements.

Applicant Response: The Master Plan proposes 50-foot wide street right of way widths, which is 10 feet less than the standard established in Chapter 3.4 of the Bend Development Code. The subject property is bordered to the west by the Deschutes River and the Deschutes River Corridor ASI, to the south by an Upland ASI, and areas outside of the Bend UGB, thus it is anticipated that traffic will only be from the proposed development. Neighboring development to the north and east is located within the River Rim PUD, wherein the streets are private and situated with 50-foot wide private street tracts. The proposed street design conforms to City Standard street width requirements including sufficient vehicular travel lanes, sidewalks, and landscape strips. The proposal requests an exception to the street right of way width standards under the Master Plan exceptions allowances of 4.5 of the Bend Development Code and the

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waiver allowances of 3.4.150. The design will help to create a livable neighborhood and preserve ASI area, thus is permitted under the Development Code; as such it is consistent with this policy.

5. The City shall manage the development process to obtain adequate street right-of-way and improvements commensurate with the level and impact of development. New development shall be supported by traffic impact analysis(es) to assess these impacts and to help determine transportation system needs.

Applicant Response: As detailed on the Master Plan, the proposal includes the dedication of public street right of way to serve the development. The Master Plan is supported by a Transportation Facilities Report and Traffic Impact Analysis prepared by Kittelson and Associates, thus is consistent with this policy.

Residential Streets:

13. Residential block lengths shall not exceed 600 feet without a connecting cross street. When existing conditions or topography prevent a cross street, a pedestrian accessway to connect the streets shall be required.

Applicant Response: The property is bound by the Deschutes River and River Corridor ASI to the West, an Upland ASI to the south, and existing development to the north and east. All of the new blocks that will be created conform to the block length standard of this policy and implemented in the Development Code. Connections to the west and south are limited by topographic and natural features. Connectivity in these directions is provided to the greatest extent possible, including a pedestrian connection to the Park District dictated trails, where street connections are not possible. As proposed the design conforms with the block length and perimeter standards established in the Development Code and therefore is consistent with this policy.

14. A grid-like pattern of residential local streets shall be developed whenever practical in order to increase street connectivity within a neighborhood. A system of local streets shall be developed within a framework that is defined by the Bend Urban Area - Bicycle and Pedestrian System Plan (TSP: Map Exhibit B), as much as practical.

Applicant Response: As detailed on the Master Plan, the proposal includes a system of local streets and pedestrian connections which, given the existing development, natural and topographic features of the site, provide a grid-like pattern to the greatest extent possible, thus consistency with this policy.

15. The City may require adjustment to the street pattern or installation of traffic calming devices in order to discourage high speed and volume vehicular traffic on local residential streets.

Applicant Response: The area is near the edge of the Urban Growth Boundary and bounded on the west side by the Deschutes River and River Corridor ASI. It is Pahlisch Homes

expected that the planned local street will generally only be utilized by residents of the development. High traffic volumes are not anticipated and the street design does not lend itself to high speed traffic, thus the installation of traffic calming devices is not necessary. Furthermore, the proposal is supported by a traffic impact analysis that indicates that the proposed street design is adequate for the forecast trip rates.

16. Street widths on public residential local streets may vary depending on topography, anticipated traffic volume, natural features that warrant protection, and existing street patterns in the neighborhood. Right of way shall be a minimum of sixty (60) feet except in special circumstances. Narrower streets may have limited on-street parking to ensure emergency vehicle access.

Applicant Response: As noted previously, the Master Plan includes local public street within 50 feet of right of way. The 50 feet of right of way allows sufficient vehicular travel lanes, sidewalks, and landscape strips that are consistent with City Standards. Furthermore, the right of way is similar to the 50-foot wide private street tracts within the abutting River Rim PUD. The proposed narrower right of way width allows desired densities to be met, while preserving ASI areas, and establishing a development that is consistent with surrounding development. The 50-foot right of way design can be permitted under both Chapter 4.5 Master Planned Developments and 3.4.150 waiver to Public Improvement Standards of the Bend Development Code. The proposal is consistent with the Development Code provisions that implement this policy; therefore the design is consistent with this policy.

Chapter 8 – Public Facilities

Sewer Collection Facilities

1. All new development within the Urban Growth Boundary should be connected to City sewer.

Applicant Response: As detailed on the Master Plan, the proposal includes a connection to City sewer; therefore the Master Plan is consistent with this policy.

8. The preference of the City is to serve development through gravity conveyance and use of the Water Reclamation Facility.

Applicant Response: The proposal includes the extension of gravity sewer mains to serve the Master Plan area, with is consistent with this policy.

Water Facilities and Systems

14. Avion Water Company is the provider of water service for its franchise area under Statewide Planning Goal 11 and pursuant to the franchise agreement between the City and Avion adopted under Ordinance NS 1514, as amended.

16. Within the urban planning area, public and private water systems shall be

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consistent with City Standards and Specifications for construction and service capabilities.

Applicant Response: The property within the Avion Water Company Service District. A letter from Avion Water Company is included in the submittal packet, which documents their ability to serve the site with sufficient capacity for the allowable uses of the RS designation. The Master Plan includes extending the system to and through the property, serving each lot, in conformance with Development Code requirements and City Standards and Specifications. The proposal along with the adopted City regulations ensures consistency with this policy.

Storm Drainage Facilities and Systems

21. Due to the lack of a defined drainage pattern for most of the urban area, development shall, to the extent practicable, contain and treat storm drainage onsite. In instances where containing storm drainage on-site would not be safe or practicable, the developer shall enter into a formal and recorded arrangement with the City or a private party to adequately address the storm drainage off site such as a regional control.

24. All public and private stormwater facilities shall be designed and operated in accordance with the City's Stormwater Master Plan and shall meet appropriate drainage quantity and quality requirements, including, but not limited to, the requirements of the City's National Pollutant Discharge Elimination System (NPDES) MS4 Stormwater Permit, Integrated Stormwater Management Plan, WPCF UIC Permit and any applicable Total Maximum Daily Load requirements (TMDL) requirements. Underground injection and surface discharges to the Deschutes River or Tumalo Creek shall only be approved when other alternatives, such as retention basins or bioinfiltration swales, are not reasonably available. Low impact site designs shall be a required part of all new development and redevelopment projects.

26. The City shall reduce the quantity of runoff and discharge of pollutants to the maximum extent practicable by integrating stormwater runoff controls into new development and redevelopment land use decisions. Controls may be required to minimize illicit discharges or pollutants of concern.

Applicant Response: The current proposal is for a Master Planned Development; for the planned public streets storm drainage within the Public Right of way is proposed to be maintained within the Right of way in accordance with City Standards and Specification. With development of each lot, storm drainage plans will be developed to ensure drainage will be maintain on site, in accordance with City Standards and Specification and Building Code requirements. Conformance with City Standards and Specifications and Building Code requirements in association with Public Infrastructure review and Building permit review will ensure consistency with this policy.

Chapter 9, Community Appearance

POLICIES

2. Community appearance shall continue to be a major concern and the subject of a major effort in the area. Major natural features, such as rock outcrops or stands of trees, should be preserved as a community asset as the area develops.

Applicant Response: The proposed Master Planned Development incorporates the mapped ASI areas on the subject property as open spaces for preservation. Chapter 2.7 of the Bend Development Code includes standards for River Corridor Area of Special Interest and Upland Areas of Special Interest to implement this policy. As addressed below, the proposal and design conforms to the applicable ASI Development Code Standards, therefore the proposal is consistent with this policy.

Chapter 10, Natural Forces

Applicant Response: Chapter 10 addresses air quality, noise issues, energy conservation, natural hazards and steep slopes. The proposed Master Plan will not impact any of these elements. Individual building development within the Master Planned area has the potential to impact some of the components of this section at time of single-family home construction. As required by the development process, future planned residential home construction will be required to conform to applicable local land use regulations (including the Development Code and the adopted City Standards and Specifications) that the City has adopted to implement this Goal. Consistency with this section will therefore be ensured through application and implementation of the Development Code requirements at time of Building Permit issuance.

***APPROVAL CRITERION #3**

3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property; and

Applicant Response: The Master Plan includes a detailed plan for extension of streets, sewer, and water systems throughout the Master Plan area. Furthermore, the application is supported by a water analysis, a sewer analysis, and a traffic impact analysis, that document that with the planned improvements, capacity for the development will be provided.

Schools: The subject property is located within the boundaries of the Bend-La Pine School District. The Bend-La Pine School District regularly completes Facilities Plans that ensure capacity is provided throughout the District service area, including the Bend UGB. The most recent Facilities Assessment was completed in 2016 and it utilized densities of City of Bend General Plan to forecast capacity needs. The proposal is consistent with the density of the General Plan, thus the School District has planned for schools to accommodate development on the property at the proposed densities.

Parks: The subject property is located within the BPRD's boundaries. In addition to the preservation of the ASI as open space, the applicant will construct trails to connect the surrounding area as dictated by the Park District. Additionally, park systems development charges (SDCs) will be collected at the time of development.

Fire and Police Protection: The property is within the City of Bend and is therefore served by City police and Fire departments.

As documented on the supporting materials all improvements can and will be provided concurrently with the Master Planned Development, thereby ensuring conformance with this approval criterion.

***APPROVAL CRITERION #4**

4. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property that is the subject of the application; and the provisions of Section 4.6.600; Transportation Planning Rule Compliance.

Applicant Response: The City of Bend Development Code requires a Master Planned Development and associated Development Code text sections prior to development of properties over 20 acres in size. The subject property exceeds the 20-acre size threshold; therefore development of the site necessitates a Master Planned Development. The need for a Master Planned Development falls under category of a "change in the community". The community has changed to the point where the previously undeveloped property is needed for development. Development is proposed, and conformance with approval criteria, including this section is warranted.

***APPROVAL CRITERION #5**

4.6.600 Transportation Planning Rule Compliance

When a development application includes a proposed comprehensive plan amendment or land use district change, or both, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.

660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule...

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

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(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024- 0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

Applicant Response: The Master Planned Development is consistent with the subject property's existing RS - General Plan designation; the proposed Master Plan does not change the General Plan Map. OAR 660-012-0060 (1) and (2) apply to amendments to acknowledged land use regulations text and maps. The master plan application amends the acknowledged land use regulation text and map. OAR 660-012-0060 (2) further provides that an application demonstrate no "significant affect" on impacted transportation facilities unless the "significant affect" is mitigated. The TIA included with the submittal demonstrates that the proposed Master Plan does not have a significant affect. Because the Master Plan does not increase density or traffic demands, the Master Plan will not significantly impact a transportation facility as defined in 660-012-0060 and the proposal complies with the TPR.

V. Conformance with the Applicable Development Standards of Chapters 2 and 3:

Chapter 2.1 Residential District

Applicant Response: The property is zoned RL and has a General Plan designation of RS. At 2 units per acre, the proposed Master Planned Development meets the density standards of both zones; the proposed density is on the high end of RL density range (1-2.2 unites per acre) and low end of RS density range 2-7.3 units per acre. The property is located in an area with unique natural features, including a River Corridor ASI and Upland ASI. In order to achieve required densities, while preserving the natural elements, the design includes a range of lot design and standards that vary between the RL and RS zone standards. Exceptions to the RL standards are proposed, however exceptions to the RS standards are not proposed. The proposed standards of the Master Planned Development are proposed to supersede the standards of the underlying zone where they vary. Where no special standards are provided, the applicable standards of the underlying zone shall apply.

2.1.200 – Permitted Land Uses –

Applicant Response: The Master Planned Development is proposed to be developed with detached single-family homes. Detached single family homes are permitted

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outright in both the RL and RS zones, therefore the Master Planned Development conforms to the standards of this section.

2.1.300 Building Setbacks.

B. Setback Standards. The setback is measured from the building facade or structure, to the respective property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed on the following pages, apply to primary structures as well as accessory structures. A variance is required in accordance with **BDC Chapter 5.1, Variances**, to modify any setback standard.

C. Front Yard Setbacks.

1. RL, SR 2 1/2 and UAR Districts.

a. A minimum front yard setback of 20 feet is required for buildings or structures, except on corner lots within a platted subdivision, one front yard setback can be 10 feet; provided, that the garage is set back a minimum of 20 feet from the front property line.

2. RS, RM-10, RM, and RH Districts.

a. A minimum front yard setback of 10 feet is required; provided, that the garage is set back a minimum of 20 feet from the front property line.

b. Garages and carports shall be accessed from alleys where practical, otherwise garages with street access shall be set back a minimum of 20 feet from the front property line. In this instance, the term practical shall mean that there is an existing or platted alley that could be used “as is” or improved to provide access.

Applicant Response: As established in these sections, minimum required RL front yard setback is 20 feet, whereas the minimum required setback in the RS zone is 10 feet. The proposed Master Planned Development includes exceptions to the RL front yard setback standards, reducing them to 10 feet, as allowed under the Master Planned Development Provisions of Chapter 4.5.

D. Rear Yard Setbacks.

1. RL, SR 2 1/2 and UAR Districts. The minimum rear yard setback shall be 20 feet for buildings or structures, except in the RL Zone on corner lots within a platted subdivision, the minimum rear yard setback can be 10 feet.

2. RS. The minimum rear yard shall be five feet.

Applicant Response: As established in these sections, minimum required RL rear yard setback is 20 feet, whereas the minimum required setback in the RS zone is 5 feet.

The proposed Master Planned Development includes an exception to the RL rear yard setback standards, reducing the to 5 feet, as allowed under the Master Planned Development Provisions of Chapter 4.5.

Table 2.1.300 – Typical Residential District Setbacks

	Front	Rear	*Side
RL	10 ft./20 ft.	10 ft./20 ft.	10 ft.
RS	10 ft., except garages shall be set back 20 ft.	5 ft. minimum	*3 ft./5 ft. minimum

E. Side Yard Setbacks.

- 1. RL, SR 2 1/2 and UAR Districts. The minimum side yard setback shall be 10 feet.**
- 2. RS Districts. The minimum side yard shall be five feet.**

Applicant Response: As established in these sections, minimum required RL side yard setback is 10 feet, whereas the minimum required setback in the RS zone is 5 feet. The proposed Master Planned Development includes exceptions to the RL side yard setback standards, reducing them to 5 feet, as allowed under the Master Planned Development Provisions of Chapter 4.5.

2.1.400 Building Mass and Scale.

A. Floor Area Ratio. Floor area ratio shall apply to the following:

- 1. All new single-family residential construction including building additions on lots 6,000 square feet or less in size located in a subdivision platted prior to December 1998;**
- 2. Existing homes on lots subject to a partition or lot line adjustment that will result in a lot size of 6,000 square feet or less;**
- 3. The perimeter lots of all new single-family residential subdivisions that are 6,000 square feet or less in size and are adjacent to a subdivision platted prior to December 1998 where the adjoining lot development has a 0.5 FAR or less.**

Applicant Response: All of the lots within the Master Planned Development exceed 6,000 square feet in size; therefore the FAR standards of this section are not applicable.

2.1.500**Lot Area and Dimensions**

Lot areas and lot dimension standards for residential uses are listed in Table 2.1.500, below. Exceptions to these standards may be approved subject to Master Planned Development approval (see Chapter 4.5). For other residential uses listed in Table 2.1.200, the lot area and dimensions are subject to the type of residential structure being occupied. Lot development shall be in conformance with Section 2.1.600; Residential Density.

Residential Use	Zone	Lot Area	Lot Width/Depth
Single-Family Detached Housing; Manufactured Homes on Lots; Residential Care Homes and Facilities	RL	Minimum area: 15,000 sq. ft. with approved septic or sewer system	Minimum width: 100 ft. min. average lot width with a min. street frontage of 50 ft. except on approved cul-de-sac lot frontage may be reduced to 30 ft. Minimum lot depth: 100 ft.

Residential Use	Zone	Lot Area	Lot Width/Depth
Single-Family Detached Housing; Manufactured Homes on Lots; Residential Care Homes and Facilities	RS	Minimum area: 4,000 sq. ft.	Minimum width: 40 ft. at front property line, except for flag lots and lots served by private lanes (see BDC 4.5.200) Minimum lot depth: 80 ft.

Applicant Response: This section addresses lot size, lot width and lot depth. Each of these are addressed below:

Lot Size - As detailed on the Master Plan Exhibit, the lots range in size from 8,259-69,999 sq. ft. All lots exceed the minimum lots size of the RS zone, and a number of the lots also exceed the size of the RL zone, however some lots are less than the 15,000 minimum lot size of the RL zone. The applicant is requesting an exception to the 15,000 minimum RL zone lot size requirements, as allowed under the Master Plan provisions of BDC 4.5.

Lot Width - As detailed on the Master Plan Exhibit, the proposed lot width range from 73 feet to over 140 feet. All lots exceed the minimum lot width of the RS zone and a number of the lots also exceed the size of the RL zone, however some lots are less than the 100 feet are required under the RL zone. The applicant is requesting an exception to the 100-foot lot width requirements as allowed under the Master Plan provisions of BDC 4.5.

Lot Depth - As detailed on the Master Plan Exhibit, all of the proposed lot depths exceed 100 feet, conforming to both the RL and RS depth standards.

2.1.600 Residential Density.

A. Residential Density Standard. The following density standards apply to all new developments and subdivisions in all of the Residential Districts. Redevelopment or expansion of existing uses within areas of existing land use patterns shall comply with these standards to the extent practical. The density standards shown in Table 2.1.600 are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the General Plan.

- 1. The density standards may be averaged over more than one development phase (i.e., as in a Master Planned Development). Duplex and triplex lots used to comply with the density standard shall be so designated on the final partition or subdivision plat.**
- 2. Partitions shall be planned, and the construction of dwellings on parcels or lots shall be sited to allow future redevelopment on these lots or parcels at minimum densities.**

Residential Densities

Residential Zone	Density Range	Primary Uses
Low Density Residential (RL)	1.1 – 2.2 units/gross acre	Single-family detached housing
Standard Density Residential (RS)	2.0 – 7.3 units/gross acre	Single-family detached housing

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C. Density Calculation. Maximum housing densities are calculated by multiplying the parcel or lot area, including the area for streets being dedicated, by the applicable density standard. For example, if the total site area is five acres, and the maximum allowable density is 7.3 dwelling units per acre, then a maximum number of 36 units are allowed, regardless of the amount of land area dedicated for public right-of-way or open space in conjunction with the project.

Applicant Response: The proposed density of the Master Plan is 2 units per acre. Two units per acre conforms to both the RL and RS requirements; therefore the proposal conforms to the density range of both the RL Zone and the RS General Plan designation of the property.

2.1.700 Maximum Lot Coverage.

A. Maximum Lot Coverage. The following maximum lot coverage standards shall apply to all development within the Residential Districts as follow:

Table 2.1.700

Residential Lot Coverage

Residential Zone	Lot Coverage
Low Density Residential (RL)	35%
Standard Density Residential (RS)	50% for single-story homes 35% for all other uses

B. Lot Coverage Defined. Lot coverage is defined as all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 18 inches above the finished grade, excluding unenclosed covered porches and uncovered decks up to five percent of the total lot area.

C. Lot Coverage Compliance. Compliance with other sections of this code may preclude development of the maximum allowed lot coverage for some land uses.

Applicant Response: The majority of the lots can accommodate planned designs with a lot coverage of 35%, a lot coverage that conforms to both the RS and the RL provisions. However, there are a number of lots that are similar in size to RS lots in the River Rim PUD. On these lots the applicant is proposing lot coverage established in the RS zone. The applicant is requesting an exception to the lot coverage requirements as allowed under the Master Plan provisions of BDC 4.5.

2.1.800 Building Height.

The following building height standards are intended to promote land use compatibility and support the principle of neighborhood-scaled design:

A. Standard. The following building heights shall be observed unless a greater height is approved through a variance in conformance with **BDC Chapter 5.1, Variances**, or approved as part of a Master Planned Development in conformance with **BDC Chapter 4.5**.

- 1. Buildings within the UAR, RL, RS, RM-10 and RM Districts shall be no more than 30 feet in height.**

Applicant Response: All homes within the Master Planned development are proposed to have a height of less than 30 feet, in accordance with this standard.

Chapter 2.7 Special Planed Districts

2.7.620 Riparian Corridor Sub-Zone.

A. Riparian Corridor Boundary. The width of the Riparian Corridor Sub-Zone adjacent to various waterway segments is specified in Tables 2.7.620.A, 2.7.620.B and 2.7.620.C. Boundary distances shall be measured from the ordinary high water mark, or from the upland edge of any designated wetlands, whichever is more landward. For purposes of riparian corridor boundary determination, steep slopes are considered to exist in an area having:

- Sixty percent or greater slope; and
- A vertical rise of 20 feet or more; and
- A continuous horizontal length of 50 feet or more.

Table 2.7.620.B – East Side Riparian Corridor Boundary: Deschutes River

Deschutes River – East Side	Distance
From the South UGB line to the COID intake	30/75 feet¹

B. Activities Subject to Review and Approval. Within the Riparian Corridor Sub-Zone, permanent alteration by grading, removal of native vegetation, excavation or fill of soils or rocks, or by placement of structures or impervious surfaces is prohibited, except as provided in subsections (C), (E), (F) and (G) of this section.

Applicant Response: While a portion of the property is situated within the Riparian Corridor, the proposal does not include the permanent alteration by grading, removal of native vegetation, excavation or fill of soils or rocks, or by placement of structures or impervious surfaces within the Riparian Corridor, therefore the development is not subject to review and approval under this section.

2.7.630 River Corridor Areas of Special Interest Sub-Zone.

A. Approval Criteria. Proposed development or land use actions on property subject to the River Corridor Areas of Special Interest Review shall be subject to the following provisions:

- 1. The proposal shall be designed and constructed so as to maintain the integrity of the existing natural features and biological system by utilizing exterior building materials that have earth tone colors. Removal of native vegetation shall be limited to the minimum amount necessary to accommodate the proposed development or land use action; any vegetation removed in excess of this standard shall be nonnative species.**

Applicant Response: The Master Plan submittal packet includes detailed development information, including prospective building designs, colors, and building envelopes, along with CC&Rs that will limit designs and colors. As depicted on the submitted materials, the colors of the river fronting lots will be required to be earth toned. Also, the proposal does not include the removal of any vegetation in the River Corridor ASI area, thus the proposal complies with this provision.

- 2. Structures located along the canyon rim of the river shall be set back a minimum of 30 feet from the River Corridor Area of Special Interest boundary for a building 20 feet or less in height. For buildings over 20 feet in height, the building shall set back one additional foot for every additional foot over 20 feet. The maximum building height shall not exceed that of the underlying zone.**

Applicant Response: As depicted on the Master Plan, the planned building envelopes on the lots are situated at least 30 feet from the River Corridor ASI, in conformance with this standard. Additional setbacks from buildings over 20 feet in height will be reviewed and enforced in association with Building Permit issuance.

- 3. The permanent alteration of a River Corridor Area of Special Interest by grading, excavation or fill, the placement of structures or impervious surfaces, or by the removal of existing vegetation is only permitted as authorized within the Riparian Corridor Sub-Zone, or as provided as follows:**

a. Streets and Crossings. Public or private streets and river crossings may be placed within a River Corridor Area of Special Interest to access development activities if it is shown that no other practicable method of access exists. If allowed, the applicant shall demonstrate that:...

Applicant Response: Streets and crossing are not proposed within the River Corridor ASI; therefore this section is not applicable.

b. Utilities, Irrigation Facilities, and Drainage Facilities. Public and private utilities, irrigation facilities, or drainage facilities may be placed within a River Corridor Area of Special Interest when it is shown that no other practicable alternative location exists. If allowed, the applicant shall demonstrate that:...

Applicant Response: No utilities, irrigation facilities or drainage facilities are proposed within the River Corridor ASI; therefore this section is not applicable.

c. Removal of Vegetation. Removal of existing vegetation from a River Corridor Area of Special Interest is prohibited, except as indicated below:...

Applicant Response: The proposal does not include the removal of vegetation within the River Corridor ASI; therefore the proposal complies with this section.

D. River Corridor Areas of Special Interest Mitigation Requirements...

Applicant Response: No improvements are proposed within the River Corridor ASI; therefore mitigation is not needed. Furthermore, as depicted on the Master Plan, all required ASI setbacks will be met. Given that the proposal will not include any impacts to the River Corridor ASI, it is not anticipated that a mitigation plan will be required.

2.7.640 Floodplain Combining Zone.

Applicant Response: Although a flood plain exists on a portion of the property, the Master Plan does not include any development within or near the flood plain, therefore the standards of this section are not applicable.

2.7.650 Deschutes River Corridor Design Review Combining Zone.

C. Design Review Procedure. All new development, structures, additions and exterior alterations to structures, including outside storage and off-street parking lots within the Deschutes River Corridor, are subject to a design review process.

Applicant Response: Although a portion of the property is located within the Deschutes River Corridor, the Master Plan does not include the development of any structure, addition, or exterior alteration within the Corridor, thus the standards of this section are not applicable to the current review.

Chapter 2.7 Special Planned Districts.

2.7.700 Upland Areas of Special Interest Overlay Zone.

B. Applicability.

1. Affected Property. The procedures and requirements of the Upland Areas of Special Interest Overlay Zone apply to any real property designated as having an ASI as mapped on the Bend Area General Plan Map and the City Zoning Map. These standards shall be in addition to the standards of the underlying zone.

Applicant Response: The southern portion of the property is mapped as Upland Area of Special Interest, thus these standards apply.

2. Activities Subject to Review. Unless specifically exempted from review as described in subsection (B)(3) of this section, activities subject to review and which require a permit shall include all development on properties described below:

a. Partitioning and subdividing of land.

Applicant Response: The Master Planned Development will result in the future subdivision of land, thus this section applies.

D. Development Standards. The ASI Boundary is delineated by the outside edge of the boundary line shown on the Bend Area General Plan Map and the City Zoning Map. No development as defined in this chapter shall occur within an Upland Area of Special Interest boundary unless expressly permitted by the provisions of this chapter.

The development standards shall apply to structures, fences, impervious surfaces including streets and driveways except where provided for in this section and landscaping as described in subsection (D)(5) of this section. In addition, no stock piling of fill materials, parking or storage of equipment or personal property shall be placed within an Upland Area of Special Interest.

Applicant Response: The Upland Area of Special Interest Boundary is identified on the Master Plan, the Master Plan does not include any development, stock piling of fill materials, parking or storage of equipment or personal property within the Upland ASI; therefore the proposal complies with this standard.

1. Setbacks. There shall be a 25-foot setback from the ASI boundary for all structures requiring a building permit to provide adequate fire fuel break and to reduce the visual impact to the Area of Special Interest. This additional

setback area may be used in addition to the ASI area to calculate any density credit.

Applicant Response: As depicted on the Master Plan, building envelopes from lots near the Upland ASI are at least 25 feet from the ASI, ensuring conformance with this standard.

The permanent alteration of an Upland Area of Special Interest by grading, excavation or fill, the placement of impervious surfaces, or by the removal of existing vegetation is only permitted in association with the following enumerated uses and subject to the requirements.

2. Streets and Driveways. Public or private streets and driveways may be placed within an Upland Area of Special Interest to access development activities if it is shown that no other practicable method of access exists. If allowed, the applicant shall demonstrate that:

- a. No other practicable access to the buildable area exists, or access from an off-site location through the use of easements is not possible;**
- b. Roads and driveways are designed to be the minimum width necessary and the minimum intrusion into the Upland Area of Special Interest while also allowing safe passage of vehicles and/or pedestrians;**
- c. The need for future extensions of shared access, access easements, or private streets to access potential new building sites have been considered at the time of this application in order to avoid subsequent encroachments into an Upland Area of Special Interest.**

Applicant Response: As shown on the Master Plan, the proposal includes a street that extends to the southern property line. The street is required to ensure public facilities are provided to and through the property, as required by Development Code standards. There are not any other locations that access to the southern property could be provided. Also, the width of the street is the minimum needed to conform to Development Code provisions, also alternative access to the property to the south have been considered, but none were found to conform to City Standards. For the aforementioned reasons, the proposal complies with these standards.

3. Utilities and Drainage Facilities. Public and private utilities or drainage facilities may be placed underground within an Upland Area of Special Interest when it is shown that no other practicable alternative location exists. If allowed, the applicant shall demonstrate that:

- a. No other practicable access exists or access from an off-site location through the use of easements is not possible;**
- b. The corridor necessary to construct utilities shall be the minimum width practicable;**

- c. Removal of existing trees and native vegetation shall be avoided unless absolutely necessary.**

Applicant Response: As shown on the Master Plan, the proposal includes a water main that extends to the southern property line. The water main is required to ensure public facilities are provided to and through the property, as required by Development Code standards. There is also an infiltration pond, to accommodate drainage from the road that connects to the property to the south. There are not any other locations that access to the southern property could be provided and the street extension, water main extension, and infiltration pond do not result in the removal of significant trees, therefore the proposal complies with this section.

Any permanent alteration of an Upland Area of Special Interest by the construction of public or private streets, driveways, utilities or drainage facilities is subject to the mitigation requirements under subsection (F) of this section.

Applicant Response: The Master Plan includes the development of a public street within a portion of the Upland ASI. A complete review of Subsection F is included below and as detailed therein, adequate mitigation is provided, therefore the proposal complies with this reference provision.

4. Removal of Vegetation. Removal of existing vegetation from an Upland Area of Special Interest is prohibited, except as indicated below:

- a. A tree in danger of falling and thereby posing a hazard to life or property may be removed, following an assessment evaluation from a Qualified Professional. If no hazard will be created, the tree or snag may be required to be left in place within the Upland Area of Special Interest to provide wildlife habitat.**
- b. Diseased or dying trees that may pose a threat to the health of surrounding vegetation as determined by a Qualified Professional.**
- c. The removal of noxious weeds and nonnative grasses (e.g., knap weed, toad flax or cheat grass) is encouraged when practicable with minimal disturbance to the ASI.**

Applicant Response: No trees are proposed to be removed within the Upland ASI.

F. Areas of Special Interest Mitigation Standards. The development activities listed in subsections (B) and (D) of this section may trigger a requirement for mitigation. When a proposed development impacts an Upland Area of Special Interest by grading, excavation, or fill, the placement of impervious surfaces, or by the removal of vegetation, a mitigation plan prepared by a qualified professional shall be submitted to the Review Authority. The mitigation plan shall include the following:

1. The location of the impact, the existing conditions and area size of the resource prior to impact, the location and size of the proposed mitigation area, and a proposed mitigation plan that represents a 1:1 replacement value;
2. All proposed vegetation planted within the mitigation area shall be native to the region and similar to the vegetation removed. Species to be planted in the mitigation area shall replace those impacted by the development activity at a 2:1 ratio;
3. Additional mitigation measures may be required based on the nature of the impact such as:
 - Site reclamation.
 - Screening of structures, cuts or fills.
 - Increased vegetative quantities and/or sizes.

Applicant Response: The planned and required street and water main extension to the south results in the requirement for a Mitigation Plan. Included in the submittal packet is a Mitigation Plan prepared by a qualified professional. As detailed on the plan, the proposed protection, preservation and enhanced vegetation sufficiently mitigate the needed intrusion into the Upland ASI. The plan therefore adequately replaces altered resources and conforms to the standards of this section.

Chapter 3.1 Lot, Parcel, and Block Design, Access and Circulation

3.1.200 Lot, Parcel and Block Design.

- A. **Purpose.** The purpose of this section is to create orderly development as the City grows and redevelops. The size, width, topography and orientation of lots or parcels shall be appropriate for the location of the land division and for the type of development and use contemplated.
- B. **Applicability.** New development shall be consistent with the provisions of this chapter and other applicable sections of this code.
- C. **General Requirements for Lots and Parcels.**
 1. Depth and width of new lots or parcels shall meet the minimum standards specified for the zoning district. Where no minimum standards are specified, the depth and width shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

Applicant Response: The RL and RS Zoning District standards, along with the Special Standards of the River Corridor ASI and Upland ASI were addressed in Section

2.1 and 2.7 above. As detailed in those sections and on the Master Plan, the depth and width requirements of the applicable zones, with exceptions allowed through the Master Plan process, have been met. The proposal therefore conforms to this development standard.

2. On steep slopes, increased lot or parcel sizes may be required to avoid excessive cuts, fills and steep driveways.

Applicant Response: The property has varied topography, with steeper areas, along with flatter buildable area. As documented on the Master Plan, the planned building envelopes are on flatter portions of the property and the lots are all over 8,000 square feet in size which provide sufficient space for development and forgo excessive cuts, fill or steep driveways. As proposed the lots of the Master Plan conform to this standard.

3. On tracts containing watercourses or rock outcroppings, increased lot or parcel sizes may be required to allow adequate room for development and protection of the topographic or natural feature.

Applicant Response: The property does not contain watercourses, but does include areas of rock outcroppings. The lots that include rock outcropping, are near rock outcroppings, or have River Corridor ASI areas are over 15,000 square feet in size. The proposed lot sizes and design allows for setbacks from the ASI and preserves adequate space for building envelopes, while protecting the natural features, in conformance with this standard.

4. Each lot or parcel shall abut upon a street other than an alley for the minimum width required for lots or parcels in the zone, except:...

Applicant Response: A complete review of the RS, RL and lot width/frontage requirements was included in a review of Chapter 2.1 above. As detailed in that section, all proposed lots will have frontage onto a public street at a width of at least 73 feet. The proposed design conforms to the RS frontage requirements and requires an exception the RL requirements, which is allowable under the Master Plan Section of the Code BDC Chapter 4.5.

5. All side lot or parcel lines shall be at right angles to the street lines or radial to curved streets for at least one-half the lot or parcel depth wherever practical.

Applicant Response: As detailed on the Master Plan, all side lot lines have been designed at right angles to the street lines or radial curves, to the greatest extent practical, in accordance with this standard.

6. Corner lots or parcels shall be at least five feet more in width than the minimum lot width required in the zone.

Applicant Response: As depicted on the Master Plan, the corner lots are adequately

sized to accommodate the proposed Master Plan. The width are all in excess of 45 feet the requirement of the RS zone, however exceptions from the RL standards are being requested, as allowable under the Master Plan requirements of BDC Chapter 4.5.

7. All permanent utility service to lots or parcels shall be provided from underground facilities. The developer shall be responsible for complying with requirements of this section, and shall:

a. Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities and facilities in accordance with rules and regulations of the Public Utility Commission of the State of Oregon.

b. All underground utilities and public facilities installed in streets shall be constructed prior to the surfacing of such streets.

Applicant Response: As detailed on the Master Plan, the applicant proposes to extend utilities to all lots. The utilities are planned underground, in accordance with City Standards and all relevant utility company requirements. The proposal is further accompanied by "Will Serve" letters from each of the utility providers documenting their willingness to serve the property.

D. Street Connectivity and Formation of Blocks. To promote efficient multi-modal circulation along parallel and connecting streets throughout the City, developments shall produce complete blocks bounded by a connecting network of streets, in accordance with the following standards:

1. New development shall construct and extend planned streets (arterials, collectors and locals) in their proper projection to create continuous through streets and provide the desirable pattern of orderly developed streets and blocks. Streets shall be developed within a framework that is established in the Bend Urban Area Transportation System Plan and any applicable Special Area Plan, Refinement Plan, Master Neighborhood Development Plan or other adopted or approved development plan. Where such plans do not provide specific block length and perimeter standards, the requirements listed below shall apply:

2. Block lengths and perimeters shall not exceed the following standards as measured from centerline to centerline of through intersecting streets.

a. Six hundred sixty feet block length and 2,000 feet block perimeter in all Residential Zones;

d. An exception may be granted to the maximum block length and/or block perimeter by the Review Authority if the applicant can demonstrate that the block length and/or block perimeter cannot be satisfied due to topography, natural features, existing development or

other barriers, or it is unreasonable to meet such standards based on the existing pattern of development, or other relevant factors. When an exception is granted, the Review Authority may require the land division or site plan to provide blocks divided by one or more access corridors in conformance with the provisions of **BDC 3.1.300, Multi-Modal Access and Circulation**. Access corridors shall be located to minimize out-of-direction travel by pedestrians and bicyclists and shall meet all applicable accessibility standards.

Applicant Response: The property is bound by the Deschutes River to the West, an ASI to the south, and existing development to the north and east. All of the new blocks that will be created will conform to the block length and perimeter standards of this section. Connections to the west and south are limited do to topographic and natural features. The proposal includes a pedestrian connections in the area as dictated by the Park District, where a street connection is not possible.

As detailed herein, the proposal conforms to the block length and perimeter requirements where possible. The areas where block length and perimeter cannot be met are due to topography, natural features, and existing development, therefore an exception can be granted under this section.

3. New street connections to arterials and collectors shall be governed by BDC 3.1.400, Vehicular Access Management.

Applicant Response: No new arterial or collector connections are proposed. This standard does not apply.

4. Except as otherwise provided in an approved Master Planned Development, private streets, where allowed by this code, shall be constructed to public standards and shall contain a public access easement along the length and width of the private facility if required to satisfy the block length and perimeter standards.

Applicant Response: The proposal does not include any private streets; therefore, this standard is not applicable.

E. New Lot and Parcel Access. In order to protect the operations and safety of arterial and collector roadways, access management is required during lot and parcel development. New lots and parcels created through land division that have frontage onto an arterial or collector street shall provide alternative options for access as indicated below:

1. Residential lots or parcels not intended for multifamily housing shall provide alley access to the individual lots fronting onto the arterial or collector.

Applicant Response: The property does not have frontage onto an Arterial or Collector

street and the proposal does not include access to an arterial or a collector street; all access is proposed via planned local streets. The proposal does not include access to a Collector or Arterial street; therefore the design conforms to this standard.

2. Nonresidential and multifamily housing lots...

Applicant Response: The proposal includes neither nonresidential nor multifamily housing; therefore this section does not apply.

3. The land division shall also provide for local street grid connections to the arterial and collector street in accordance with the block length and perimeter standards of this section.

Applicant Response: No additional blocks onto a Collector or Arterial street, or connections to a Collector or Arterial street are proposed, therefore, the proposal conforms to this standard.

3.1.300 Multi-Modal Access and Circulation.

A. Purpose. The purpose of this section is to ensure safe, accessible, direct and convenient multi-modal circulation by developing an on-street and off-street system of access corridors and public sidewalks throughout the City.

B. On-Site Pedestrian Facilities. For all developments except single-family and duplex dwellings on their own lot or parcel, pedestrian access and connectivity shall meet the following standards:

Applicant Response: Sidewalks are proposed within the rights of way in accordance with City Standards. Other than the right of way improvements, the plan is for single-family home construction, to which the on-site pedestrian facility standards of this section do not apply.

C. Off-Site Multi-Modal Facilities.

1. Developments subject to development and having an access corridor alignment shown on the City of Bend Urban Area Bicycle and Pedestrian System Plan shall dedicate either right-of way or an access easement to the public for a primary or connector multi-use as outlined below.

a. Primary multi-use paths shall be in the alignment shown on the City of Bend Urban Area Bicycle and Pedestrian System Plan to the greatest degree practical unless, with consideration of recommendations from the Bend Park and Recreation District, an alternate alignment is approved by the City through the development review process.

b. Connector multi-use paths may be required for pedestrians and bicycles at or near mid-block where the block length exceeds the maximum length required by **BDC 3.1.200, Lot, Parcel and Block Design.**

Connector multi-use paths may also be required where cul-de-sacs or dead-end streets are permitted, to connect to other streets, and/or to other developments.

c. Primary and Connector Multi-Use Path Dedication and Construction. Primary and Connector multi-use path alignments shall be dedicated and constructed in accordance with the City's Design Standards and Construction Specifications. [Ord. NS-2177, 2012; Ord. NS-2016, 2006]

Applicant Response: The City of Bend Urban Area Bicycle and Pedestrian System Plan identifies a Multi-use Path, Primary along the river. Additionally, the Park District engaged a Citizen advisory committee to study trail connections in this area. Regarding the exact location of the trails in the area, the applicant is proposing a trail system that is consistent with Trails Option 3C, the preferred alternative from the Deschutes River Trail Extension Citizens Advisory Committee. The applicant understand that Option 3C is the option that is preferred by the community and was decided upon after extensive public participation and involvement. The applicant is proposing 20-foot wide access easements, and City Standard trail improvements. The proposed improvements and consistency with Park District comments, ensure conformance to this standard.

3.1.400 Vehicular Access Management.

B. Applicability. This section shall apply to vehicular access for all properties that abut public and private streets.

C. Approval of Access Required. Proposals for new access shall comply with the following procedures:

- 1. Permission to access City streets shall be subject to review and approval by the City based on the standards contained in this chapter and the provisions of BDC Chapter 3.4, Public Improvement Standards. Access will be evaluated and determined as a component of the development review process.**

Applicant Response: The applicant has proposed access onto local private streets, River Rim Drive and Amberwood Place. As detailed below, access has been designed in conformance with BDC 3.4, and the applicant understands that access is being reviewed through this development process.

D. Traffic Study Requirements. A transportation impact analysis (TIA) may be required under BDC Chapter 4.7, Transportation Analysis, for certain types and intensities of development proposals and to determine access restrictions of driveways onto arterial and collector roadways.

Applicant Response: A review of the applicable sections of Chapter 4.7 is included in the Transportation Facilities Report (TFR) and Traffic Impact Analysis (TIA), included as an Exhibit. As detailed in the TFR/TIA the proposal complies with Chapter 4.7, thus the proposal conforms to this reference provision.

Pahlisch Homes

F. Access Management Requirements. Access to the street system shall meet the following standards:

- 1. Except as authorized under subsection (F)(4) of this section, lots and parcels in all zones and all uses shall have one access point. Single-family dwellings on corner lots at the intersection of two local streets may have one access point per frontage.**

Applicant Response: While lot access locations are not proposed at this time, it is planned that all lots will have one access point from an abutting local public road. No lots are planned to have more than one access point, therefore the proposal complies with this standard.

- 2. If a lot or parcel has frontage on two or more streets of different street classifications, the property shall access the street with the lowest classification.**

Applicant Response: As depicted on the Master Plan, all lots front only local streets. Accesses for all lots are proposed via the abutting lowest classified local public streets, therefore the proposal conforms to this standard.

- 3. For lots or parcels abutting an alley, access may be required to be taken from the alley. Outside of the Downtown Wall Street/Bond Street couplet, the City may determine that an alley is not an adequate roadway for primary access if both of the following criteria are met:...**

Applicant Response: As depicted on the Master Plan no lots will abut an alley; therefore this section does not apply.

- 4. Additional Access Points...**

Applicant Response: Each lot is only planned to have one access point. Additional access points are not proposed; therefore this standard does not apply.

- 5. Access Spacing Requirements. The maximum distance achievable between two driveways or a driveway and an intersection shall be provided. Access spacing shall accommodate City of Bend Standards and Specifications for curb reveal between driveway apron wings.**

Applicant Response: The proposal does not include individual structure layout or driveway design at this time; distance between driveways will be reviewed at a later date, in association with the issuance of building permits.

- 6. Access Operations Requirements. Backing from an access onto a public street shall not be permitted except for single-family, duplex or triplex dwellings backing onto a local street or for any use when backing into an**

alley if adequate backing distance is provided. The design of driveways and on-site maneuvering and loading areas shall include the anticipated storage length for entering and exiting vehicles, in order to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

Applicant Response: This proposal is for a Master Plan for a single-family development, therefore, this standard does not apply.

7. Driveways shall be designed and located to provide a vehicle in the driveway with an unobstructed view of the roadway for a sufficient distance as required by City Standards and Specifications or the American Association of State Highway and Transportation Officials (AASHTO) policy on intersection sight distance requirements as determined by the City.

8. Driveway widths, designs, and materials shall comply with City of Bend Standards and Specifications.

Applicant Response: As previously mentioned, final structure and driveway locations have not been established at this time; they will be reviewed at a later date, with Building Permit review. It is planned that the driveways will meet the requirements set forth by AASHTO or the City of Bend Standards and Specifications, which will be reviewed in association with Building Permit review.

G. Shared Access....

Applicant Response: Shared driveways are neither proposed nor required; therefore this section does not apply.

H. Driveway Widths. Driveway openings (or curb cuts) shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet minimum width for each travel lane). When obtaining access to off-street parking areas backing onto a public street shall not be permitted except for single-family, duplex or triplex dwellings backing onto a local street or when backing into an alley for all uses if adequate backing distance is provided. The following standards provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

1. Single-family, two-family, and three-family residential uses shall have a minimum driveway opening width of 10 feet, and a maximum width of 24 feet. Wider driveways may be necessary to accommodate approved paved recreational vehicle pads; however, the driveway opening or connection to the street shall not be wider than 24 feet.

Applicant Response: As previously mentioned, individual driveway layouts have not been completed at this time. It is planned that development will provide driveway openings between 10 and 24 feet in width, in conformance with this section.

I. Fire Access and Parking Area Turn-around. A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive as measured around the building. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner (except for single-family dwellings and alleys that provide adequate backing width).

Applicant Response: The lots are sized and located so that all future homes can be located within 150 feet of a public street. Furthermore, the planned local street design is well connected. And the southern terminus includes a sufficient fire truck turn-around, which will allow adequate fire vehicle maneuverability. The street layout and planned building design therefore conform to this section.

L. Construction. The following development and maintenance standards shall apply to all driveways and private streets. The City of Bend Standards and Specifications document shall prevail in the case of conflicting rules related to the design and construction of public infrastructure.

1. Surface Options. Driveways, required parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing or a durable nonpaving material (e.g., grass-crete, eco-stone) may be used to reduce surface water runoff and to protect water and air quality. Gravel is not allowed.

2. Surface Water Management. When an impervious surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to prevent the flow of stormwater onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with City specifications. Durable nonpaving materials (e.g., grass-crete, eco-stone) are encouraged to facilitate on-site infiltration of stormwater. [Ord. NS-2177, 2012; Ord. NS-2016, 2006]

Applicant Response: As previously mentioned, individual structure design and driveway layout have not been completed at this time. It is planned that driveway run-off will be maintained on each of the lots where run-off is generated, and will not flow into the right of way. The lots meet minimum size and dimensional standards, thus are sufficiently sized to accommodate run-off.

3.1.500 Clear Vision Areas.

A. Purpose. Clear vision areas are established to ensure that obstructions do not infringe on the sight lines needed by motorists, pedestrians, bicyclists and others approaching potential conflict points at intersections.

B. Applicability. In all zones, clear vision areas as described below and illustrated in Figures 3.1.500.A and 3.1.500.B shall be established at the intersection of two streets, an alley and a street, a driveway and a street or a

street and a railroad right-of-way in order to provide adequate vision of conflicting traffic movements as well as street signs. These standards are applicable to public and private streets, alleys and mid-block lanes, and driveways.

C. Standards. The clear vision areas extend across the corner of private property from one street to another. The two legs of the clear vision triangle defining the private property portion of the triangle are each measured 20 feet back from the point of intersection of the two corner lot lines, special setback line or access easement line (where lot lines have rounded corners, the lot lines are extended in a straight line to a point of intersection). Additional clear vision area may be required at intersections, particularly those intersections with acute angles, as directed by the City Engineer, upon finding that additional sight distance is required (i.e., due to roadway alignment, etc.).

There shall be no fence, wall, vehicular parking, landscaping, building, structure, or any other obstruction to vision other than a street sign post, pole (e.g., power, signal, or luminaire pole) or tree trunk (clear of branches or foliage) within the clear vision area between the height of two feet and eight feet above the level of the curb. In cut sections, embankments shall be graded to comply with these requirements.

D. Exceptions.

1. In all zones, at the intersection of an alley and a street or a driveway and a street, the minimum length of the two legs of the clear vision triangle defining the private property portion shall be 10 feet.

Applicant Response: The proposal does not include structures and does not impose upon clear lines of vision. Furthermore, the lot layout ensures that development can occur in conformance with all clear vision standards. The proposal conforms to these development standards.

Chapter 3.2 Landscaping, Street Trees, Fences and Walls

A. Applicability. The standards in this section shall apply to all development sites containing significant vegetation, as defined below, except for residential development on Residential District lots that were created through a subdivision or partition plat filed with Deschutes County prior to the effective date of the ordinance codified in this code.

Applicant Response: The proposal includes new development as that term is defined in the Development Code, therefore this section applies.

B. Significant Vegetation. Significant vegetation means individual trees with a specific trunk diameter as measured four feet above the ground (known as DBH, “diameter at breast height”); shall be inventoried during the site design process and protected during construction unless otherwise approved for removal

through the site plan review process. For the purpose of this section, deciduous trees measuring six inches or greater and coniferous trees measuring 10 inches or greater shall be considered significant vegetation.

C. Mapping and Protection Required. A Tree Protection Plan shall be prepared and submitted with the development application. Significant vegetation shall be inventoried and mapped as required by **BDC Chapter 4.2**, Site Plan Review and Design Review, **BDC 2.7.600**, Waterway Overlay Zone (WOZ), and 2.7.700, Upland Areas of Special Interest Overlay Zone. Trees shall be mapped individually and identified by species and size (DBH). A protection area shall be defined around the edge of all branches (drip-line) of each tree (drip-lines may overlap between trees) or stand of trees. The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine tree health, vegetation boundaries, building setbacks, and other protection or mitigation requirements.

D. Protection Standards. Significant trees identified as meeting the criteria in subsection (B) of this section shall be retained unless approved by the City to be removed for development. Preservation shall be considered impracticable when it would prevent development of public streets, public utilities, needed housing or land uses permitted by the applicable land use district. The term prevent in this standard means that the development cannot be designed to avoid the significant tree(s). An inability to achieve maximum permitted density by complying with this subsection shall not in itself be considered to prevent development. Building envelopes commensurate with the lot coverage standard of the zone shall be depicted on the Tree Protection Plan. Trees outside the envelope shall be protected unless they prevent development. In instances where applying exceptions to certain development standards would make tree preservation practical, the City may allow one or more of the following exceptions to the development standards when individual trees with a DBH of 24 inches or larger or stands of trees that are in good health as determined by a qualified professional, are preserved by a proposed development with an approved tree preservation plan:

- Reductions of setbacks up to 25 percent.
- Reduction of required on-site parking up to 10 percent.
- Increased lot coverage up to 15 percent.
- Reduced landscape coverage up to five percent.

Applicant Response: As detailed on the Grading and Drainage Plan, all significant trees meeting the definition of this section have been mapped. Furthermore, the only trees that are planned to be removed at this time are those located within the area of the planned right of way improvements and the southwest quadrant where grading is needed for the building envelopes. All other trees will be retained at this time. Further

review of removal or retention of trees on individual lots will be completed when final homes designs are completed on the lots. As proposed, the protection plan conforms to the standards of this section.

Chapter 3.4 Public Improvement Standards

3.4.150 Waiver and Modification of Public Improvement Standards.

A. Authority to Grant Waiver or Modification. Waivers and/or modifications of the standards of this chapter and/or the City of Bend Standards and Specifications may be granted as part of a development approval only if the criteria of subsection (B) of this section are met.

B. Criteria. The Review Authority, after considering the recommendation of the City Engineer, may waive or modify the standards of this title and the City of Bend Standards and Specifications based on a determination that (1) the waiver or modification will not harm or will be beneficial to the public in general; (2) the waiver and modification are not inconsistent with the general purpose of ensuring adequate public facilities; and (3) one or more of the following conditions are met:

5. The standard is a street or right-of-way standard and existing structures on the same side of the block make future widening of the remainder of the street or right-of-way unlikely and the additional width on the project site would not be beneficial for sidewalks or parking without the extension for the rest of the block.

6. The modification or waiver is needed to allow development of, or street access to, the property because of topographical constraints.

7. The existing infrastructure (a) does not meet current standards, (b) is and will remain functionally equivalent to current standards, and (c) there is little likelihood that current standards will be met in the area.

9. There is insufficient right-of-way to allow a full width street cross-section and additional right-of-way cannot be provided.

Applicant Response: The proposal includes the installation of an internal street system to serve each of the lots. The proposed streets are designed within 50 feet of right of way, 10 feet less than the standard 60 feet established for local streets. Given that properties to the north and east are developed, the connections thereto are already established. The applicant is required to conform to a multitude of requirements, including mandated densities, lot depths, block length and perimeter, connectivity, and ASI preservation requirements. To achieve required densities, within a well-connected subdivision, on a property that contains unique existing conditions and topographic constraints, and simultaneously conform to design requirements, the proposed lots sizes and street designs are necessary. Furthermore, the neighboring River Rim PUD is developed with street located on 50-foot wide private street tracts.

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Standard City street improvements (street widths, curbs, sidewalks and planters) can be accommodated within a 50-foot width, therefore, the proposed 50 foot right of way can provide a street design that meets City Standards, while still providing sufficient connectivity. At a pre-application meeting and after consultation with City Staff, the applicant has been informed that well-connected street system is desirable by the City, and a narrower right of way would be preferred to alternatives that limit connectivity. The applicant is requesting a waiver to the local street right of way, a width of 50 feet instead of 60 feet.

Overall the proposed design waiver is requested to allow compatible development with sufficient connectivity, density, and safety. The project, and proposed waiver, is isolated to this development; topographic constraints are unique to this property and the right of way widths can be confined to this area, as there is not a natural grid that would allow the 50-foot right of way width to be extended to other areas. Furthermore, exceptions to City Standards can be approved through the Master Plan process, which the current proposal is. The project is impacted by existing development and natural buffers around the property. As planned the internal street will be functionally equivalent to city local street standards, adequate pavement will be provided, which provides for City Standard travel lanes and parking. As proposed, the design conforms to the City recommended design and can be approved under the waiver allowances of this section.

3.4.200 Transportation Improvement Standards.

A. Development Requirements. No development shall occur unless the development has frontage or approved access to a public or private street, in conformance with the provisions of BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation, and the following standards are met:

Applicant Response: As detailed on the Master Plan, each of the lots will have frontage on the planned local public streets. A complete review of Chapter 3.1 was included above and as detailed therein the lot design, layout, access and circulation all conform to the applicable requirements, thus the proposal conforms to this section.

1. Streets within or adjacent to a development shall be improved in accordance with the Bend Urban Area Transportation System Plan (TSP), provisions of this chapter and other pertinent sections of this code.

Applicant Response: As depicted on the Master Plan, the proposal extends a public street system to and through the development. The TSP does not identify any higher-level classifications roadways on the property (Collector or Arterial Street); therefore all streets are proposed to be local streets. The street grid and design provides an allowable block matrix and achieves the greatest amount of connectivity possible in an area that is impacted by topography and existing development. The proposal includes street and sidewalk improvements throughout the subdivision. The street improvements conform to the design standards of Section 3.4.200.E & F (with the allowed waiver and

Master Plan exceptions), thus the planned improvements conform to the TSP and other applicable sections of the code.

2. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable City, County or State jurisdiction.

Applicant Response: The Master Plan includes a series of new local streets. As detailed on the plans and noted throughout this narrative, the proposal conforms to all standards of the Development Code (utilizing allowable exceptions and waivers). The planned width of the new local streets provides adequate travel lanes, 5-foot wide sidewalks and landscape strips that are sufficiently sized to accommodate the needs of the development. The rights of way are planned to be dedicated on the final plat in conformance with this section.

3. All new and/or existing streets and alleys shall be paved per the City of Bend Standards and Specifications document.

Applicant Response: As detailed on the Master Plan, the proposal includes an asphalt surface on top of an aggregate base for the street improvements. The planned paving conforms to City of Bend Standards and Specifications, thus conforms to this reference provision.

C. Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a Public Right-of-Way by acceptance of a deed, where no plat will be recorded, and provided that the street is deemed essential for the purpose of implementing the Bend Urban Area Transportation System Plan, and the deeded right-of-way conforms to this Code. All deeds of dedication shall be in a form prescribed by the City and shall name "the public" as grantee.

Applicant Response: Right of way for is planned to be created through the final platting process, in accordance with this section.

D. Creation of Vehicular Access Easements. The City may require a vehicular access easement established by deed when the easement is necessary to provide for vehicular access and circulation in conformance with BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207 and City of Bend Standards and Specifications.

Applicant Response: Access is provided to each property via public right of way; easements are not needed. Therefore additional vehicular access easements are not necessary.

E. Street Location, Width and Grade. Except as noted below, the location, width and grade of all streets shall conform to the City of Bend Standard and Specifications document, the provisions of this Chapter and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.

1. Street grades shall be designed and/or constructed as approved by the City Engineer in accordance with the design standards in Tables A through E in this section.

F. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall be the widths defined in Street Improvement Standards Tables A through E. Additional right-of-way may be required at intersections to accommodate intersection widening and roundabouts.

1. **Pavement Widths.** The required pavement width shall be determined based upon the factors listed below:

- a. Street classification in the Transportation System Plan;
- b. Anticipated traffic volume for the City's planning horizon year;
- c. On-street parking needs;
- d. Sidewalk and bikeway requirements based on anticipated level of use;
- e. Requirements for placement of utilities;
- f. Street lighting;
- g. Minimizing drainage, slope, and sensitive lands impacts, as identified by the General Plan;
- h. Street tree location, as provided for in **BDC Chapter 3.2**;
- i. Protection of significant vegetation, as provided for in **BDC Chapter 3.2**;
- j. Safety and comfort for motorists, bicyclists, and pedestrians;
- k. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;
- l. Access needs for emergency vehicles; and
- m. Consistent extension of existing street section.

Table A: Improvement Standards for Dedicated Public Roadways in Residential Zones

(UAR, RL, RS, RM-10, RM and RH)

Street Classification	Minimum Right-of-Way	Minimum Pavement Width	Planter Strips	Max. Grade (3)	Sidewalks Both Sides	Bike Lanes	Curbs
Local Street (1) UAR, RL, RS, RM-10	60'	24'/28'/32'	5'	10%	5'	No	Yes

I. Future Street Plan and Extension of Streets.

3. Streets shall be extended to the boundary lines of the property to be developed, when the Review Authority determines that the extension is necessary to give street access to, or permit a satisfactory future development of, adjoining land. The point where the streets temporarily end shall conform to subsections (l)(3)(a) through (c) of this section:

- a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs, since they are intended to continue as through streets when the adjoining property is developed.**
- b. A City-approved barricade shall be constructed at the end of the street by the developer and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The Review Authority may also require signs that indicate the location of a future road connection.**
- c. Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length.**

Applicant Response: As depicted on the Master Plan, the proposal includes streets within 50 feet of right of way, including City Standard pavement widths, 5-foot wide planter strips, curbs, and 5-foot wide sidewalks. The design conforms to the standards of this section in all regards except right of way width. As detailed in Section 3.4.150, the layout is proposed to accommodate a street design that meets densities, preserves ASIs, and provides connectivity in the area. The applicant has requested a waiver to the design standards of this section and an exception as allowed under the Master Plan Provisions of BDC Chapter 4.5, to accommodate the desired design. With the allowable exception and waiver, the proposal will comply with all applicable design standards.

3.4.400 Sanitary Sewer and Water Service Improvements.

A. Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications as described in the City of Bend Standards and Specifications document and the applicable General Plan policies.

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B. Sewer and Water Plan Approval. Construction of sewer and water improvements shall not commence until the City Engineer has approved all sanitary sewer and water plans in conformance with City of Bend Standards and Specifications.

Applicant Response: As depicted on the Master Plan, the proposal includes the extension of water and sewer mains to each of the new lots. Prior to installation of all public improvements, construction plans will need to be reviewed and approved by the City Engineer for conformance with City Standards. The proposal, in addition to the City's review process, will ensure that this standard is met.

3.4.500 Storm Drainage Improvements. Revised 3/13

A. Storm Drainage Improvements Required. Storm drainage facilities shall be depicted on City-approved engineered construction drawings and installed to serve each new development in accordance with applicable City construction specifications as described in the City of Bend Standards and Specifications and BC Title 16, Grading, Excavation, and Stormwater Management.

Applicant Response: Runoff from lots will be retained on the site per City of Bend Construction Requirements. Stormwater in public streets will be directed to drywells in conformance with City Standards.

B. Accommodation of Upstream Drainage. Drainage facilities shall be designed and constructed to accommodate increased runoff so that discharge rates existing before the proposed development shall not be increased, and accelerated channel erosion will not occur as a result of the proposed land disturbance or development activity. Such facilities shall be subject to review and approval by the City Engineer.

C. Effect on Downstream Drainage. Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for management of additional runoff caused by the development in accordance with City of Bend Standards and Specifications. Drainage shall not be directed to an existing watercourse, channel, stream or canal. Storm drainage facilities shall comply with applicable State and Federal regulatory requirements.

Applicant Response: The proposed lots are adequately sized to accommodate storm drainage on-site. To accommodate drainage of the public street, the applicant has proposed dry wells. The preliminary design for the drainage will accommodate the runoff from all anticipated impervious surfaces that will be constructed on the street, including the vehicular travel lanes, curbs and sidewalks. The preliminary design has been developed to ensure that the discharge rates after development will not exceed those before development. Furthermore, the design ensures that channel erosion will

not occur. Final stormwater management design and construction plans will need to be reviewed and approved by the City Engineer prior to construction. The current preliminary design, along with the City Engineering process for final review and approval, will ensure that these standards are met.

D. Easements for Existing Watercourses. Where an existing watercourse traverses a development, such as a natural watercourse, drainage way, channel or stream, or any other existing drainage facility including but not limited to irrigation canals, laterals and associated ditches, there shall be provided and recorded an easement conforming substantially with the lines of such existing watercourses and such further width as will be adequate for conveyance and maintenance, as determined by the City Engineer.

E. Easements for Developed Drainage Facilities. Where new drainage facilities are provided that include elements located outside the dedicated public right-of-way, such facilities shall be located within an area provided for in a recorded easement. The easement shall be adequate for conveyance and maintenance as determined by the City Engineer. [Order No. 2012-01, 2012; Ord. NS-2016, 2006]

Applicant Response: There are not any existing watercourses or developed drainage facilities on the site, therefore easements for these purposes are not needed.

Chapter 3.5 Other Design Standards

3.5.400 Solar Standards.

A. Purpose. Solar standards are utilized to create lot divisions, layouts and building configurations to help preserve access to sunlight to one- and two-family dwellings.

B. Solar Lot Standards.

- 1. Applicability.** Solar lot standards apply to the creation of lots within subdivisions in RS and RM Zones.
- 2. Solar Lot Requirements.** In RS and RM Zones, at least 70 percent of the lots in a subdivision shall have a minimum north-south lot dimension of 80 feet or more.

Applicant Response: As detailed on the Master Plan Exhibit, all north-south lot lines are proposed to exceed 80 feet, which conforms to the solar lot requirements of this section.

Chapter 4.7 Transportation Analysis

A Transportation Facilities Report and Traffic Impact Analysis was prepared by Kittelson and Associates, Inc., which is included as an Exhibit. The report studied the proposed development and concluded that the proposal is forecast to generate 744 average daily trips and 78 pm peak hour trips. With the proposed development, no significant impacts

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were identified and no off-site improvements were identified as being needed.

The applicant plans to dedicate all needed right of way, make all required frontage improvements, and design and construct all streets in accordance with City of Bend requirements.

VI. Summary and Conclusion

The preceding sections document that the proposed Master Plan conforms to the applicable approval criteria of Chapter 4.5, 4.6 and the applicable development standards in Chapter 2 and Chapter 3 of the Bend Development Code. Because the proposal conforms to all applicable criteria and standards, the applicant requests that the City approve the Master Planned Development as proposed.